

Also, petition of Washington Camp, No. 46, Patriotic Order Sons of America, of Minersville, Pa., favoring further restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PORTER: Petition of the Vernon Home Missionary Society of the Vernon Methodist Episcopal Church, favoring bill H. R. 4072—to the Committee on the Judiciary.

By Mr. RIDER: Petition of the Philadelphia Board of Trade, favoring amendment of Interstate Commerce Commission's powers on freight rates—to the Committee on Interstate and Foreign Commerce.

By Mr. ROBINSON of Indiana: Petition of the Knott-Van Arnan Manufacturing Company, of Fort Wayne, Ind., against the passage of the anti-injunction bill—to the Committee on the Judiciary.

Also, petition of the Fort Wayne Electric Works, against the anti-injunction bill—to the Committee on the Judiciary.

By Mr. RUPPERT: Petition of the Merchants' Association of New York City, favoring abolition or reduction of tariff on imports from the Philippines—to the Committee on Ways and Means.

Also, petition of the Philadelphia Board of Trade, relative to Government supervision of railway rates—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of the Merchants' Association of New York, favoring reduction of tariff on Philippine products—to the Committee on Ways and Means.

By Mr. SHOBER: Petition of several hundred citizens of the Eighth Congressional district of Iowa, praying for the passage of bill H. R. 13778, known as the "Hearst bill"—to the Committee on Interstate and Foreign Commerce.

By Mr. SULLIVAN of New York: Petition of the Manufacturers' Association of New York, relative to criminal status of forgery of trade-marks—to the Committee on Patents.

Also, petition of the Philadelphia Board of Trade, relative to control of freight rates by the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

## SENATE.

SATURDAY, February 4, 1905.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal will stand approved.

### DRAWBACKS OF CUSTOMS DUTIES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 1st instant, the amount of drawbacks allowed for customs duties for each fiscal year since 1900; which, on motion of Mr. PETTUS, was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

### REWARD FOR RETIRED OFFICERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from Capt. George K. Spencer, United States Army, retired, urging that such action be taken as will afford the same reward for civil war services to officers retired under the act of October 1, 1890, as has been given to other officers under the act of April 23, 1904, and calling attention to the accompanying report and recommendations of the First Division, General Staff, dated January 21 instant, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

### DISPOSITION OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, requesting that final action be taken relative to the disposition of useless papers, documents, etc., on the files of that Department; which, with the accompanying paper, was referred to the Select Committee on the Disposition of Useless Papers in the Executive Departments, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the following bills:

S. 5799. An act to provide for the extension of time within which homestead settlers may establish their residence upon certain lands which were heretofore a part of the Rosebud Indian Reservation within the limits of Gregory County, S. Dak.,

and upon certain lands which were heretofore a part of the Devils Lake Indian Reservation, in the State of North Dakota;

S. 5937. An act to amend an act to regulate the height of buildings in the District of Columbia;

S. 6371. An act to confirm title to lot 5, in square scath of square numbered 990, in Washington, D. C.;

S. 6489. An act to amend section 9 of the act of August 2, 1882, concerning lists of passengers;

S. 6514. An act for the relief of the Church of Our Redeemer, Washington, D. C.; and

S. 6834. An act to authorize the construction of a bridge across the Missouri River between Lyman County and Brule County, in the State of South Dakota.

The message also announced that the House had passed with an amendment the bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 12346) to correct the military record of William J. Barcroft.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 14589. An act to provide for terms of the United States district and circuit courts at Washington, N. C.;

H. R. 17865. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes; and

H. R. 18280. An act to extend the western boundary line of the State of Arkansas.

### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

H. R. 3109. An act for the relief of Noah Dillard;

H. R. 14351. An act for the relief of the Gull River Lumber Company, its assigns or successors in interest;

H. R. 15284. An act granting to the Keokuk and Hamilton Water Power Company rights to construct and maintain for the improvement of navigation and development of water power a dam across the Mississippi River; and

H. R. 17769. An act to grant certain lands to the Agricultural and Mechanical College of Oklahoma for college farm and experiment station purposes.

### CREDENTIALS.

Mr. BAILEY presented the credentials of CHARLES A. CULBERSON, chosen by the legislature of the State of Texas a Senator from that State for the term beginning March 4, 1905; which were read, and ordered to be filed.

### PETITIONS AND MEMORIALS.

Mr. KEAN presented a petition of Camden Lodge, No. 20, Brotherhood of Railway Clerks, of Camden, N. J., praying for the passage of the so-called "employers' liability bill;" which was referred to the Committee on Interstate Commerce.

He also presented the memorials of O. Terrill, Joseph S. Van Pelt, A. A. Hopkins, J. J. Urnston, Stewart C. Allen, W. E. Van Vliet, Philip Hoffman, Charles W. Naylor, Amplew Fagans, James Voorhees, Valentine Kishner, Robert J. Lems, Edward Dumphy, E. A. Hatfield, H. B. Burns, John E. Moore, J. B. Griegs, D. H. Murphy, Hampden Smith, Thomas H. Holden, Morris Fagan, George W. Hatfield, Josyph V. Rocchietti, John Bennett, and B. O. Parvin, all of Rahway, in the State of New Jersey, remonstrating against the repeal of the present anti-canteen law; which were referred to the Committee on Military Affairs.

Mr. PERKINS presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the enactment of legislation giving to the Interstate Commerce Commission the arbitrary right to fix railroad freight rates, and praying that the members of that Commission be increased; which was referred to the Committee on Interstate Commerce.

Mr. FULTON presented a memorial of the Oregon Branch United Irish League of America, of Portland, Oreg., remonstrating against the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

Mr. SCOTT presented a petition of the Charleston Retail Druggists' Association, of Charleston, W. Va., praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

Mr. ANKENY presented a memorial of sundry citizens of Checotah, Ind. T., and a memorial of sundry citizens of Ward, Ind. T., remonstrating against the annexation of that Territory

to Oklahoma in new States to be formed; which were ordered to lie on the table.

Mr. CLAY. I present the memorial of a meeting of the tobacco growers of the southern section of my State. The memorial relates to a measure of importance. It protests against free trade between the Philippines and the United States. It is short and I ask that the body of the memorial be printed in the RECORD, leaving off the names.

There being no objection, the memorial was ordered to be printed in the RECORD, and referred to the Committee on the Philippines, as follows:

**Memorial to Congress.**

At a meeting of the tobacco growers of Decatur County, Ga., held at Amsterdam this 28th day of January, 1905, of which Hon. W. E. Smith was chairman and Mr. S. A. Clarke secretary, the following memorial to the Senate and House of Representatives of the United States in Congress assembled at Washington, D. C., was unanimously adopted, and signatures affixed thereto:

We, the tobacco growers of Decatur County, Ga., this day assembled at Amsterdam, beg leave to present to your consideration the following memorial protesting against the passage of a certain bill introduced in the House on the 14th of January instant, by Congressman CURRIS, of Kansas, placing on the free list of the tariff act all Philippine products, except sugar and tobacco, which it is provided shall pay only 25 per cent of the rates specified in the Dingley law. The measure is of the most vital importance to the domestic tobacco industry and should have your prompt and serious attention, if the bill is to be defeated and this great industry preserved throughout the United States.

Such a bill would operate most disastrously upon our trade. It would cut off at once 75 per cent of the protection provided by the existing tariff, reducing the rates on filler leaf from 35 cents to 8½ cents, on wrappers from \$1.85 to 46½ cents, and on cigars and cigarettes from \$4.50 per pound and 25 per cent ad valorem to \$1.12½ per pound and 6½ per cent ad valorem. Cigars now paying an average of \$63 per thousand would pay less than \$16, and under a decision of the Treasury Department would pay no internal-revenue tax, a saving of \$3 per thousand additional. Such an arrangement would enormously stimulate the production of tobacco in the Philippines, practically all of which is cigar leaf.

Owing to the protection given cigar-leaf tobacco under existing law its production has been greatly stimulated in this country and section of Georgia and Florida, until millions of pounds of the finest Sumatra and Cuban leaf and fillers are produced annually, giving profitable employment to thousands of wage-earners and adding to the wealth and prosperity of our common country.

The passage of the Curtis bill would destroy this industry in our section root and branch, for the reason that our tobacco growers could not and would not attempt to compete with the coolly labor of the Philippine Islands, where 6 cents per day is accounted a remunerative wage, and where 37½ cents per day is the maximum price given the most expert cigarmakers. Surely the Congress of the United States can not think seriously of reducing the wages of a million free Americans engaged in this home industry to the level of the pauper labor of the Far East, or of destroying it entirely, which would inevitably follow the passage of the Curtis bill.

The Philippine Islands are and have been all along an expensive burden to the people of the United States, and we believe that they should be allowed to bear at least a small part of this burden by paying a share into the public Treasury in import duties, otherwise under the Curtis bill they will contribute nothing and destroy a great American industry, which God forbid.

In the growing of our fine Sumatra leaf tobacco our farmers have to incur great expense; among some of the items, shading costs \$250 per acre. Yet we have thousands of acres under this costly protection from insects and summer sun. These growers, the great majority of whom are poor men, have worked early and late, and have spent their hard earnings without stint to make this industry self-sustaining, and they will feel as if they had been unjustly treated, aye, and robbed by their own Government, in order that the semisavage millions of a distant foreign clime should be enriched at their expense.

Therefore, we would earnestly call upon our immediate Senators and Representatives in Congress to do all in their power to defeat this piece of unjust legislation, and would appeal to the entire American Congress to set the seal of their disapproval upon it, thereby assuring the wage-earners engaged in this great industry that they shall never be forced to compete for a living with the semibarbarians of the Philippine Islands or of any other cheap-labor country in the world.

Mr. FAIRBANKS presented petitions of sundry citizens of Princeton, of the Woman's Christian Temperance Union of Amboy, and of the Blue River Monthly Meeting of Friends, of Salem, all in the State of Indiana, praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

He also presented a memorial of Local Union No. 300, Cigar Makers' International Union of America, of Michigan City, Ind., remonstrating against the reduction of the duty on tobacco and cigars imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the National Board of Trade of Philadelphia, Pa., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented petitions of the Hellman Machine Company, of Evansville; of Eli Lilly & Co., of Indianapolis; of W. D. Allison & Co., of Indianapolis; of the Retail Druggists' Association of Lafayette; of the Vigo County Druggists' Association, of Terre Haute, and of J. H. Wood & Son, of Lafayette, all in the State of Indiana, and of the Chicago Retail Druggists' Association, of Chicago, Ill., praying for the enactment of legislation authorizing the registration of trade-marks used in commerce with

foreign nations or among the several States and Territories; which were referred to the Committee on Patents.

He also presented a memorial of the Studebaker Brothers Manufacturing Company, of South Bend, Ind., remonstrating against the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented petitions of Post J, Indiana Division, Travelers' Protective Association, of Evansville; of the Indiana Hardwood Lumbermen's Association, of Indianapolis, and of the Mayflower Mills, of Fort Wayne, all in the State of Indiana, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

He also presented petitions of Railroad Division, No. 452, Order of Railway Conductors, of Richmond; of the Indiana State legislative board, Brotherhood of Railroad Trainmen, of Indianapolis; of Vigo Lodge, No. 16, Brotherhood of Locomotive Firemen, of Terre Haute, and of the general grievance committee, Order of Railway Conductors, of Elkhart, all in the State of Indiana, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented a petition of the Daniel Stewart Company, of Indianapolis, Ind., praying for the passage of the so-called "Newhouse railroad commission bill;" which was referred to the Committee on Interstate Commerce.

Mr. CARMACK presented a petition of sundry citizens of Tennessee, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which was referred to the Committee on Patents.

He also presented a petition of sundry citizens of Tennessee, praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented sundry papers to accompany the bill (S. 1527) for the relief of the estate of John T. Stringer, deceased; which were referred to the Committee on Claims.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to the adoption of an amendment to the irrigation law so that a portion of the appropriation for irrigation may be used for drainage purposes when necessary; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

**Concurrent resolution by Mr. Bacon.**

Whereas our National Congress has by law provided that nearly all moneys received from the sale of public lands in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming shall be used for irrigation purposes in the arid and semi-arid districts of the said States; and

Whereas there are portions of the State of North Dakota that would be greatly benefited by a proper drainage and reservoir system; and

Whereas the expense of such a drainage system would be too burdensome under our State law as it now exists: Now, therefore, be it

*Resolved by the senate of the State of North Dakota, the house of representatives concurring,* That our Senators and Representatives in Congress be requested to use all honorable means to secure an amendment to the national irrigation law to the effect that a portion of the money set aside for irrigation and reservoir purposes may be used for drainage purposes where necessary in said State. And be it further

*Resolved,* That a copy of these resolutions be sent to each of our Senators and Representatives in Congress.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to the use of the waters of the Missouri River for irrigating purposes under the irrigation law; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

**Concurrent resolution introduced by Mr. Voss.**

*Resolved by the senate of the ninth session of the State of North Dakota, the house of representatives concurring,* That we urge our Senators and Members of Congress to secure the passage of an act authorizing and permitting the taking of the waters of the Missouri River for irrigation purposes under the national irrigation act, approved June 17, 1902.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to an appropriation of \$20,000 for dredging the Red River and aiding navigation; which was referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

**Concurrent resolution by Mr. Bacon.**

Whereas much grain is raised for sale by the farmers in the Red River Valley; and

Whereas much of this grain could be more conveniently marketed at warehouses along the river than at railway stations; and

Whereas it would save much labor and expense to farmers if they were able to market at such warehouses; and

Whereas the river channel is so filled up as to prevent the passage of boats loaded to their full capacity: Now, therefore, be it

*Resolved by the senate of the State of North Dakota, the house of representatives concurring,* That our Senators and Members of the



House of Representatives in Congress be requested to put forth every effort and use all honorable means to secure the appropriation of \$20,000 from the United States Government for the purpose of dredging the Red River and aiding navigation; and be it further

*Resolved*, That a copy of these resolutions be forwarded to each of the Senators and Representatives of this State in Washington.

Mr. HANSBROUGH presented a concurrent resolution of the legislature of North Dakota, relative to the removal of the internal-revenue tax on alcohol denaturalized and intended to be used in the industries; which was referred to the Committee on Finance.

He also presented a concurrent resolution of the legislature of North Dakota, relative to the use of the waters of the Missouri River and its tributaries for irrigation purposes; which was referred to the Committee on Irrigation and Reclamation of Arid Lands, and ordered to be printed in the RECORD, as follows:

Concurrent resolution by Mr. Stevens, of Burleigh.

Whereas the navigable rivers are the heritage of all the people of our Commonwealth; and

Whereas it is necessary, in order to carry out the provisions of the national irrigation act for irrigation in the State of North Dakota, to take water from the Missouri River and its tributaries for irrigation purposes; and

Whereas the navigation laws of the United States may in some manner conflict with the appropriation and diversion of these waters for the purpose of irrigation: Therefore, be it

*Resolved by the house of representatives, the senate concurring*, That the United States Senators and Members of the House of Representatives of the National Congress be most respectfully petitioned to urge the passage of such measures as will permit the waters of the Missouri River and its tributaries to be taken therefrom for irrigation purposes, under such rules and regulations as may be prescribed by the reclamation service of the United States, while continuing to preserve and improve our navigable rivers for the purpose of navigation; further be it

*Resolved*, That the United States Senators and Members of the House of Representatives of the National Congress be most respectfully petitioned to make adequate provision for the improvement of the Yellowstone River below the proposed dam near Glendive, and for the improvement of all other navigable rivers within our State.

Mr. TELLER presented a memorial of the Crow Creek Tribe of Indians, of Crow Creek Agency, S. Dak., remonstrating against the use of tribal trust funds in support of Catholic schools; which was referred to the Committee on Indian Affairs.

He also presented a memorial of the Wholesale Grocers' Association of Denver, Colo., remonstrating against the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry citizens of Lamar, Colo., praying for the passage of the so-called "Kinkaid bill," relating to the unappropriated and unreserved arid public lands in the Bent Land district; which was referred to the Committee on Public Lands.

He also presented a petition of the congregation of the First Presbyterian Church of Boulder, Colo., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

He also presented a petition of the congregation of the First Methodist Episcopal Church of Longmont, Colo., and a petition of the Woman's Christian Temperance Union of Boulder, Colo., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance Union of Denver; of the Prohibition party of Denver; of the Jennie Smith Woman's Christian Temperance Union, of Denver; of the Woman's Christian Temperance Union of Salida; of the Woman's Christian Temperance Union of Boulder, and of sundry citizens of Florence, all in the State of Colorado, praying for the enactment of legislation providing for continued prohibition of the liquor traffic in the Indian Territory according to recent agreements with the Five Civilized Tribes; which was ordered to lie on the table.

He also presented petitions of Pikes Peak Lodge, No. 32, Brotherhood of Railroad Trainmen, of South Pueblo; of Local Lodge, Brotherhood of Railroad Trainmen, of Salida, and of Holy Cross Division, No. 252, Order of Railway Conductors, of Leadville, all in the State of Colorado, praying for the passage of the so-called "employers' liability bill;" which were referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Hillrose, of the Pharmaceutical Association of Denver, and of sundry citizens of Canon City, all in the State of Colorado, praying for the enactment of legislation to amend the patent laws relating to medicinal preparations; which were referred to the Committee on Patents.

Mr. GALLINGER presented petitions of the congregation of the Baptist Church of Peterboro, of the Woman's Christian Temperance Union of Webster, and of the Woman's Christian Temperance Union of East Rochester, all in the State of New Hamp-

shire, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. PLATT of Connecticut presented a memorial of the Chamber of Commerce of New Haven, Conn., remonstrating against the removal from office of the Board of General Appraisers unless convicted before a judge of the United States circuit court on charges constituting grounds for removal, as provided in the act of June 10, 1890; which was referred to the Committee on Finance.

He also presented a petition of the Woman's Christian Temperance Union of New Haven, Conn., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all Government buildings; which was referred to the Committee on Public Buildings and Grounds.

Mr. FRYE presented a petition of the Union League Club of Chicago, Ill., praying for the ratification of international arbitration treaties; which was referred to the Committee on Foreign Relations.

#### INTERSTATE-COMMERCE LAW.

Mr. NELSON. I present a paper, being an address on the defects of the interstate-commerce law and how it should be amended, by A. B. Stickney, president of the Chicago Great Western Railway Company, delivered before the Washington Economic Society last evening. I move that the paper be printed as a document, and that it lie on the table.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16663) granting an increase of pension to Henry Newcomer;

A bill (H. R. 17073) granting an increase of pension to Francis M. Shewmaker;

A bill (H. R. 16701) granting an increase of pension to Emanuel F. Brown;

A bill (H. R. 16834) granting an increase of pension to Thomas Harris;

A bill (H. R. 17151) granting a pension to Avery Dalton;

A bill (H. R. 16815) granting an increase of pension to Michael L. Essick;

A bill (H. R. 16488) granting an increase of pension to Daniel Reagan;

A bill (H. R. 16573) granting an increase of pension to Jonathan Wiggins;

A bill (H. R. 16308) granting an increase of pension to Webster Eaton;

A bill (H. R. 16254) granting an increase of pension to Lydia R. Howard;

A bill (H. R. 16046) granting an increase of pension to Frederick Lahrmann;

A bill (H. R. 17092) granting an increase of pension to John Jeffers;

A bill (H. R. 17060) granting an increase of pension to Daniel H. Hastings;

A bill (H. R. 16968) granting an increase of pension to John H. Ladd;

A bill (H. R. 16707) granting an increase of pension to John Bechman;

A bill (H. R. 16574) granting an increase of pension to Leonard C. Davis;

A bill (H. R. 16879) granting an increase of pension to William H. Brown;

A bill (H. R. 16929) granting an increase of pension to John Moore;

A bill (H. R. 16427) granting an increase of pension to Alfred D. Launder;

A bill (H. R. 16419) granting an increase of pension to F. A. William Weaver;

A bill (H. R. 16105) granting an increase of pension to Cyrus B. Allen; and

A bill (H. R. 16310) granting an increase of pension to Hugh McKenzie, alias James A. Trainer.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 11599) granting an increase of pension to Albert S. Granger;

A bill (H. R. 15838) granting an increase of pension to Mary F. Fuller;

A bill (H. R. 5265) granting an increase of pension to Sara A. Haskell;

A bill (H. R. 15655) granting a pension to Mattie M. Bond;  
A bill (H. R. 15788) granting an increase of pension to Silas W. Bullock;

A bill (H. R. 15043) granting an increase of pension to James R. Ferson;

A bill (H. R. 16740) granting an increase of pension to Laura Coleman;

A bill (H. R. 17035) granting an increase of pension to William H. Miles;

A bill (H. R. 17084) granting an increase of pension to Alonzo P. Spooner;

A bill (H. R. 15787) granting an increase of pension to Thorndike P. Heath;

A bill (H. R. 17085) granting an increase of pension to William S. Stanley;

A bill (H. R. 16685) granting an increase of pension to Isaiah M. Adams;

A bill (H. R. 16849) granting a pension to Edward H. Holden; and

A bill (H. R. 17164) granting an increase of pension to Solomon Carpenter.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 16239) granting an increase of pension to Mary K. Roane;

A bill (H. R. 16749) granting a pension to George W. Cowan;

A bill (H. R. 16473) granting an increase of pension to John R. Karns;

A bill (H. R. 16746) granting an increase of pension to James J. Summers;

A bill (H. R. 16745) granting an increase of pension to John W. Davis;

A bill (H. R. 16472) granting a pension to Frances A. McQuiston;

A bill (H. R. 17731) granting an increase of pension to William Stewart;

A bill (H. R. 17543) granting an increase of pension to Lafayette Brashear; and

A bill (H. R. 15640) granting a pension to William E. Quirk.

Mr. QUARLES, from the Committee on Military Affairs, to whom was referred the bill (S. 3478) making provision for conveying in fee the piece or strip of ground in St. Augustine, Fla., known as the "Moat," for school purposes, reported it with amendments, and submitted a report thereon.

Mr. LODGE, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. PERKINS on the 2d instant, proposing to appropriate \$5,000 for the salary of consul-general at Tientsin, China, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. CULLOM, from the Committee on Foreign Relations, to whom was referred the amendment submitted by Mr. NELSON on the 31st ultimo, proposing to increase the salary of the consul at Bergen, Norway, from \$1,500 to \$2,000 per annum, intended to be proposed to the diplomatic and consular appropriation bill, reported favorably thereon, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

Mr. GAMBLE. I am directed by the Committee on Public Lands, to whom was referred the bill (S. 5800) to amend the homestead laws as to certain unappropriated and unreserved lands in South Dakota, to report it with an amendment, and I submit a report thereon. I call the attention of the junior Senator from Montana [Mr. GIBSON] to the bill.

Mr. GIBSON. I wish to state that there are members of the Committee on Public Lands who do not concur in the report made by the Senator from South Dakota. They ask leave to submit a minority report, which they will do in the next two or three days, if permitted.

The PRESIDENT pro tempore. The Chair hears no objection. The views of the minority are by right submitted when they are ready.

Mr. FAIRBANKS, from the Committee on Public Buildings and Grounds, reported an amendment increasing the limit of cost for the construction of the municipal building at Washington, D. C., from \$2,000,000 to \$2,500,000, etc., intended to be proposed to the District of Columbia appropriation bill, and moved that it be referred to the Committee on Appropriations and printed; which was agreed to.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (S. 6753) to amend the Code of the District of Columbia regarding corporations, reported adversely thereon, and the bill was postponed indefinitely.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the bill (H. R. 18123) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1906, and for other purposes, reported it with amendments, and submitted a report thereon.

#### SPOKANE INTERNATIONAL RAILWAY COMPANY.

Mr. BERRY. I report back favorably from the Committee on Commerce, with an amendment, the bill (S. 6951) to authorize the Spokane International Railway Company to construct and maintain bridges across the Pend d'Oreille River and the Kootenai River in the county of Kootenai, State of Idaho.

Mr. HEYBURN. I ask for the present consideration of the bill. It is a bridge bill, and there is necessity for its early passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, line 2, after the word "route," to strike out the following words:

And they shall enjoy the same rights and privileges as other post-roads in the United States.

And in lieu thereof to insert:

Upon which, also, no higher charge shall be made for the transportation over the same of the mails, troops, and munitions of war of the United States than the rate per mile paid for transportation of said mails, troops, and munitions of war over public highways leading to said bridges.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### COLLECTION OF ADDITIONAL STATISTICS.

Mr. QUARLES. I am directed by the Committee on the Census, to whom was referred the joint resolution (H. J. Res. 185) authorizing and directing the Director of the Census to collect and publish additional statistics relating to cotton, to report it favorably, with amendments, and I ask unanimous consent for its immediate consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The first amendment of the Committee on the Census was, in line 4, after the word "publish," to strike out "on the same dates and at the same time he makes publication of" and insert "in connection with;" so as to read:

That the Director of the Census be, and he is hereby, authorized and directed to collect and publish in connection with the ginners' reports of cotton production provided for in section 9 of an act of Congress entitled "An act to provide for a permanent Census Office, approved March 6, 1902," etc.

The amendment was agreed to.

The next amendment was, at the end of the joint resolution, in line 13, after the word "year," to insert:

And the Director of the Census shall make semimonthly publication of the amount of cotton ginned in lieu of the monthly reports which he now makes.

The amendment was agreed to.

The next amendment was to insert after the amendment last agreed to:

That the Director of the Census be, and he is hereby, authorized and directed to collect and publish the statistics of and relating to marriage and divorce in the several States and Territories and the District of Columbia since January 1, 1887: *Provided*, That such statistics as now required by law to be collected be used so far as it is practicable to do so.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution authorizing and directing the Director of the Census to collect and publish additional statistics."

#### ALMA L'HOMMEDIEU RUGGLES.

Mr. ALGER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5718) granting a pension to Alma L'Homedieu Ruggles, to report it with amendments; and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Pensions were, in line 8, before the word "dollars," to strike out "seventy-five" and insert "fifty;" and at the end of the bill to insert "in lieu of that she is now receiving;" so as to make the bill read:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to



the provisions and limitations of the pension laws, the name of Alma L'Hommedieu Ruggles, widow of Gen. George D. Ruggles, late Adjutant-General United States Army, and pay her a pension at the rate of \$50 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILLS INTRODUCED.

Mr. MARTIN introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7067) for the relief of the vestry of the Episcopal Church of The Plains, Fauquier County, Va.; and

A bill (S. 7068) for the relief of the trustees of the Methodist Episcopal Church South, of Suffolk, Nansemond County, Va. (with accompanying papers).

Mr. BERRY introduced a bill (S. 7069) for the relief of the heirs of Richard Higgins, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 7070) for the relief of Anna S. Frobel; which was read twice by its title, and referred to the Committee on Claims.

Mr. CULLOM introduced a bill (S. 7071) granting a pension to Mary C. Hughes; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7072) for the relief of William H. Blades; which was read twice by its title, and referred to the Committee on Claims.

Mr. FRYE introduced a bill (S. 7073) granting an increase of pension to Charles H. Young; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 7074) granting an increase of pension to Huntville A. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 7075) authorizing the Joint Committee on the Library to purchase a bust of President Zachary Taylor; which was read twice by its title, and referred to the Committee on the Library.

Mr. CLAY (for Mr. TALIAFERRO) introduced a bill (S. 7076) granting a pension to Susan Hayman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7077) granting a pension to Robert Catlin; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PLATT of Connecticut introduced a bill (S. 7078) to fix the allowances and percentages of the collector at the port of New Haven, Conn.; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BATE introduced a bill (S. 7079) for the relief of Edmund W. Williams, executor of the estate of Joseph R. Williams, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. GAMBLE introduced a bill (S. 7080) providing for the allotment and distribution of the tribal funds of the Yankton tribe of Sioux Indians in the State of South Dakota; which was read twice by its title, and referred to the Committee on Indian Affairs.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LONG submitted an amendment relative to the removal of restrictions upon the allotments of adult mixed-blood Indians and white persons in the Quapaw Agency, Ind. T., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. DANIEL submitted an amendment proposing to appropriate \$500,000 for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. GAMBLE submitted an amendment proposing to appropriate \$22.76 to pay Edward G. Edgerton, postmaster at Yankton, S. Dak., in full for difference in compensation he was obliged to pay over and above the regular contract price with Simon Price, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Claims, and ordered to be printed.

He also submitted an amendment proposing to increase the limit of cost of the public building in Yankton, S. Dak., from \$80,000 to \$86,000, intended to be proposed by him to the sun-

dry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### WITHDRAWAL OF PAPERS—ESTATE OF MORTON P. LEVY.

On motion of Mr. McENERY, it was

*Ordered*, That on the application of Mary Ann Scooler, administratrix of the estate of Morton P. Levy, she is authorized to withdraw from the files of the Senate all papers accompanying Senate bill 723, for the relief of the estate of Morton P. Levy, first session Fifty-seventh Congress.

#### ACTS RELATING TO COMMERCE.

On motion of Mr. ALLISON, it was

*Ordered*, That there be printed for the use of the Senate as a single document 1,000 copies of the act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof and supplemental thereto; also an act entitled "An act to establish the Department of Commerce and Labor," approved February 4, 1903; also an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903; and also an act entitled "An act to protect trade and commerce against unlawful restraints," approved July 2, 1890.

#### THE UTAH RESERVATION.

Mr. KEARNS submitted the following resolution; which was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Interior be, and he is hereby, directed to report to the Senate without delay what steps have been taken to comply with the provisions of the act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1903, approved May 27, 1902, which provides for the opening of the Uintah Reservation; and that he further furnish the Senate with all the causes which operated to stay the opening of said reservation, together with a copy of such order or orders made by him or by his direction to carry out the said act of Congress in relation to said reservation.

#### HOUSE BILLS REFERRED.

H. R. 14589. An act to provide for terms of the United States district and circuit courts at Washington, N. C., was read twice by its title, and referred to the Committee on the Judiciary.

H. R. 17865. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1906, and for other purposes, was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

H. R. 18280. An act to extend the western boundary line of the State of Arkansas was read twice by its title, and referred to the Committee on Territories.

#### RED LAKE INDIAN RESERVATION, MINN.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 5888) to allow the Minneapolis, Red Lake and Manitoba Railway Company to acquire certain lands in the Red Lake Indian Reservation, Minn.

The amendment of the House was, on page 3, after line 9, to insert as an additional section the following:

Sec. 5. That the laws of the United States now in force, or that may hereafter be enacted, prohibiting the introduction and sale of intoxicating liquors in the Indian country shall be in full force and effect throughout the territory hereby granted until otherwise directed by Congress or the President of the United States, and for that purpose said tract shall be held to be and to remain a part of the diminished Red Lake Indian Reservation.

Mr. NELSON. I move that the amendment of the House be concurred in.

The motion was agreed to.

#### NATIONAL INCORPORATION FOR RAILROADS.

Mr. PROCTOR. I ask unanimous consent to call up House bill 18329, the agricultural appropriation bill.

Mr. NEWLANDS. It is my purpose to call up Senate joint resolution 86.

The PRESIDENT pro tempore. Will the Senator from Nevada wait one moment? Without objection, the agricultural appropriation bill is before the Senate. Will the Senator from Vermont yield to the Senator from Nevada?

Mr. PROCTOR. The appropriation bill has been read only half through, and I think it is very important on account of the prospective absence of the chairman of the House committee that it should be ready for conference as early as possible. I dislike to give way. I hope it may be speedily concluded.

Mr. GORMAN. I do not understand that the bill is yet before the Senate, or that it can be brought before the Senate without unanimous consent at this hour. It is not yet 1 o'clock.

The PRESIDENT pro tempore. That is the correct statement.

Mr. NEWLANDS. I will simply say that I do not wish to interpose any objection to the Senator's request for the consideration of the appropriation bill, but it is my purpose to call up Senate joint resolution 86, creating a commission to frame a national incorporation act for railroads engaged in interstate commerce, which is now upon the table. It was my purpose to

discuss it for about fifteen minutes and then have it referred to the Committee on Interstate Commerce. In the discussion the other day I was drawn off into the consideration of the legal and constitutional questions involved, and I wish simply to present a few remarks upon the economics of the railway situation. If the Senator from Vermont will give way to me, I should like to proceed with my remarks.

Mr. PROCTOR. Mr. President, I dislike very much to postpone the consideration of the appropriation bill. There are only thirty pages more to read. I do not think there is anything in the measure that ought to lead to any discussion. Certainly I shall not take any time, and I do not think there are any amendments to be offered that will take any time. I hope the Senator from Nevada will allow it to go along. It is very important that it should be disposed of.

Mr. NEWLANDS. The statehood bill will be under consideration now for quite a while, and I should like to have the joint resolution before the Interstate Commerce Committee while the hearings are being held there. At the same time I should not like to lose the opportunity of making the remarks which I propose to make explanatory of the joint resolution. It will take only fifteen minutes, and I do not think the Senator from Vermont will lose much time.

Mr. PROCTOR. If the Senator is very sure that he can limit his remarks to fifteen minutes I will cheerfully give way.

The PRESIDENT pro tempore. The Senator from Nevada asks that Senate joint resolution No. 86 be laid before the Senate. It will be read.

The Secretary read the joint resolution (S. R. 86) creating a commission to frame a national incorporation act for railroads engaged in interstate commerce, as follows:

*Resolved, etc.,* That a commission consisting of fourteen members, one of whom shall be experienced in railroad traffic management, to be appointed by the President of the United States, one of whom shall be an attorney at law, to be appointed by the Attorney-General, one of whom shall be an expert in transportation, to be appointed by the Secretary of Commerce and Labor, one of whom shall be an expert in transportation law, to be appointed by the Interstate Commerce Commission, five of whom shall be Senators, to be appointed by the President pro tempore of the Senate, and five of whom shall be Members of the House of Representatives reelected to the Fifty-ninth Congress, to be selected by the Speaker of the House, shall frame and report to the Congress of the United States a national incorporation act for railroads engaged in interstate commerce, providing, among other things, as follows:

First. For the construction of interstate railroads throughout the United States, the amount of the bonds and stock to be issued by such corporations to be determined by the Interstate Commerce Commission, and not to exceed in any event the actual cost of such railroads;

Second. For the consolidation of railroads now engaged in interstate commerce, the amount of stock and bonds issued for such consolidation to be approved by the Interstate Commerce Commission, and not to exceed in any event the actual value of the railroads consolidated, such value to be determined by the Interstate Commerce Commission;

Third. For the increase of the issues of bonds or stock by such corporations for the purchase of connecting or intersecting lines, for new construction, or for betterment of the roads, the amount of such issue of stock and bonds to be determined by the Interstate Commerce Commission, and not to exceed in any event the cost of such new construction, the betterments, or the value of the intersecting or connecting lines acquired;

Fourth. For the classification by such railroad corporations of all articles of freight into such general and special classes as may be necessary and expedient, and also the fixing of transportation rates for freight and passengers by such railroads, such classification and rates to be subject to revision and amendment by the Interstate Commerce Commission upon complaint of shippers and localities;

Fifth. For the reasonable and just exercise of such power in classifying and regulating such rates of freight and fare by providing that such power shall be exercised by the Interstate Commerce Commission in such a way as to yield each railroad corporation a fair return of not less than 4 per cent per annum upon the value of its road and property, such value to be ascertained by the Interstate Commerce Commission;

Sixth. For the hearing by such commission of complaints made either by such railroad corporations or other party at interest regarding the decision of any rate, classification, order, or regulation adopted by such commission, and for decision thereon;

Seventh. For summary proceedings in the courts on the complaint of any railroad company or other party at interest concerning the decision of any rate, classification, order, or regulation adopted by such commission;

Eighth. For the imposition of a percentage tax upon the gross receipts of all such corporations in lieu of all taxes upon the property of such railroad corporations and its stock and bonds, and in lieu of all taxes upon the bonds and stock of such railroad companies in the hands of stockholders, the property of such railroads and their bonds and stock to be entirely exempt from State, county, or municipal taxation, and for a just plan of distributing such taxes by the Federal Government among the States in which such railroads operate according to trackage or volume of business, or such other fair method as may be deemed advisable, such percentage to be so adjusted as to yield in the aggregate an amount equal to the taxes now paid by such railroads, and to be increased gradually through a period of ten years, until it reaches an aggregate of 5 per cent upon the gross receipts of such corporations;

Ninth. For the correction of existing abuses, and for the prevention of rebates, preferences, and discrimination, whether relating to communities or individuals;

Tenth. For the creation of a pension fund for railroad employees disqualified either by injury or by age for active service, by setting aside a percentage of the gross receipts of the railroads in a fund in

the Treasury, to be invested according to rules and regulations made by the Interstate Commerce Commission, such pension system to be devised, changed, and modified from time to time by the Interstate Commerce Commission;

Eleventh. For the arbitration of all disputes between such railroad corporations and their employees, as to compensation, hours of labor, and protection to life and limb.

Sec. 2. That the sum of \$5,000 is hereby appropriated for the expenses of such commission.

[Mr. NEWLANDS addressed the Senate. See Appendix.]

#### AGRICULTURAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 18329) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1906.

The reading of the bill was resumed at line 12, on page 33.

The next amendment of the Committee on Agriculture and Forestry was, under the head of "Forest Service," on page 33, line 24, before the word "clerks," to strike out "ten" and insert "seven;" on page 34, line 1, after the word "each," to strike out "seven thousand two hundred" and insert "five thousand and forty;" in line 2, after the word "dollars," to insert "three clerks (now laborers), at \$720 each, \$2,160;" in line 5, before the word "clerks," to strike out "nineteen" and insert "twelve;" in line 6, before the word "dollars," to strike out "eleven thousand four hundred" and insert "seven thousand two hundred;" in the same line, after the word "dollars," to insert "seven clerks (now laborers), at \$600 each, \$4,200;" in line 8, before the word "clerks," to strike out "eleven" and insert "nine;" in line 10, before the word "dollars," to strike out "five thousand two hundred and eighty" and insert "four thousand three hundred and twenty;" in the same line, after the word "dollars," to insert "two clerks (now laborers), at \$480 each, \$960;" so as to read:

Salaries, Forest Service: One forester, who shall be chief of bureau, \$3,500; one chief, division of records, \$2,200; one clerk, class 4, \$1,800; three clerks, class 3, \$4,800; one clerk, class 2, \$1,400; five clerks, class 1, \$6,000; ten clerks, at \$1,000 each, \$10,000; eight clerks, at \$900 each, \$7,200; one clerk, \$840; four clerks, at \$800 each, \$3,200; seven clerks, at \$720 each, \$5,040; three clerks (now laborers), at \$720 each, \$2,160; twelve clerks, at \$600 each, \$7,200; seven clerks (now laborers), at \$600 each, \$4,200; nine clerks, at \$480 each, \$4,320; two clerks (now laborers), at \$480 each, \$960, etc.

The amendment was agreed to.

The next amendment was, in the same clause, on page 34, line 19, after the word "messenger," to insert "(now laborer);" in line 21, before the word "messengers," to strike out "three" and insert "two;" in line 22, before the word "hundred," to strike out "eight" and insert "two;" in the same line, after the word "dollars," to insert "one messenger (now laborer), \$600;" in line 24, after the word "carpenter," to insert "(now laborer);" and on page 35, line 2, after the word "electrician," to insert "(now laborer);" so as to read:

One computer, \$1,400; one draftsman, \$1,600; two draftsmen, at \$1,200 each, \$2,400; one draftsman, \$1,000; one draftsman, \$900; one computer, \$1,000; one photographer, \$1,200; one photographer, \$900; one messenger (now laborer), \$720; one messenger, \$700; two messengers, at \$600 each, \$1,200; one messenger (now laborer), \$600; one messenger, \$400; one carpenter (now laborer), \$720; two watchmen, at \$600 each, \$1,200; one electrician (now laborer), \$600; one skilled laborer, \$600; in all, \$81,960.

The amendment was agreed to.

The next amendment was in the clause "General Expenses, Forest Service," on page 35, line 16, before the word "forest," to strike out "Federal" and insert "national;" so as to read:

*Provided,* That the cost of any building erected shall not exceed \$500; for all expenses necessary to protect, administer, improve, and extend the national forest reserves, etc.

The amendment was agreed to.

The next amendment was, on page 36, after line 9, to insert:

That every person who knowingly pastures or causes to be pastured any live stock upon public lands of the United States situated within a forest reserve without first having obtained a permit so to do under rules and regulations prescribed by the Secretary of Agriculture shall, upon conviction, be punished by a fine not to exceed \$1,000, or by imprisonment for not longer than one year, or by both such fine and imprisonment.

Mr. PROCTOR. Mr. President, that amendment is withdrawn by the committee.

The PRESIDENT pro tempore. Then the amendment will be disagreed to.

Mr. HEYBURN. Mr. President, do I understand that the amendment which has just been read on page 35 is withdrawn?

Mr. PROCTOR. Yes; the matter is before another committee, and it having been considered by another committee, and there being differences of opinion about it, we thought it better to leave it to the other committee.

Mr. TELLER. Mr. President, I want to say to the chairman of the committee that that would work a great hardship in the western country. It would be equivalent to driving a great many people from their homes who already live inside of reser-



vations and were there before the reservations were made. It would be an exceedingly cruel and harsh thing to do under any circumstances. But, of course, if the amendment has been withdrawn, there is no use of any further discussion about it.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 36, line 19, before the words "forest reserves," to strike out "Federal" and insert "national;" so as to read:

For ascertaining the natural conditions upon and for utilizing the national forest reserves—and the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the District of Alaska, in which said reserves are respectively situated—for the employment of local and special fiscal and other agents, clerks, assistants, and other labor required in practical forestry, in the administration of forest reserves, and in conducting experiments and investigations in the city of Washington and elsewhere.

Mr. TELLER. Mr. President, I want to call the attention of the chairman of the committee to lines 22, 23, and 24, on page 36, which are part of the text of the bill as it came from the House of Representatives, I understand.

Mr. PROCTOR. Yes.

Mr. TELLER. It seem to me that the authority there given ought not to be given to the Secretary of Agriculture or to anybody else. For instance, there are a large number of forest reservations in the State of Colorado. We have never exported any timber from Colorado, and we have none that ought to be exported. I should not like to have the Secretary of Agriculture authorized to cut timber on a reservation and send it out of the State. If this be the proper time, I should like to move an amendment to that provision.

Mr. PROCTOR. I would suggest to the Senator that that will be in order after the committee amendments shall have been disposed of.

Mr. TELLER. I can offer the amendment later?

Mr. PROCTOR. Certainly.

The reading of the bill was resumed. The next amendment of the Committee on Agriculture and Forestry was, on page 37, in line 12, after the word "elsewhere," to insert:

And he may dispose of photographic prints at cost and 10 per cent additional, and other property or materials under his charge in the same manner as provided by law for other bureaus.

The amendment was agreed to.

The next amendment was, on page 37, in line 12, after the word "expenses," to strike out "seven hundred and sixty-five thousand nine hundred and twenty" and insert "seven hundred and ninety-three thousand one hundred and eighty;" so as to read:

For collating, digesting, reporting, illustrating, and printing the results of such experiments and investigations; and for the purchase of all necessary supplies, apparatus, and office fixtures; for freight and express charges and traveling and other necessary expenses, \$793,180, of which sum not to exceed \$25,000 may be used for rent.

Mr. GORMAN. Mr. President, when this bill was under consideration a day or two ago I stated from a hasty examination that I believed there was a duplication in the appropriations on account of the forest reserve division. Such examination of the estimates, as I was at that time able to make, led me to believe that I was correct in that statement. I have since looked the matter up and want to say to the chairman of the committee in charge of the bill that I find that the appropriation of \$375,000, which has heretofore been made on account of the forest reserves while under the control of the Interior Department, was contained in the sundry civil bill, and not in the legislative bill. Therefore if it is omitted when we come to consider the sundry civil bill, the appropriation would practically amount to the same, although the whole appropriation contained on this account is over \$800,000—approaching a million dollars—which would seem to be a very large sum even after the consolidation that is provided for in the act which was recently passed, being House bill 8460, of this session, which has not yet, I am told, become a law and a copy of which can not be found here. As I have said, that seems to be a very large amount, even when we consider the provisions of the present bill, by which the duties of that division are greatly enlarged—whether wisely or not remains to be seen. For instance, I find that not only is an appropriation made sufficient to pay all the clerks and others employed in that service, but how we are to go on under this provision to permit the Secretary to erect as many buildings at as many forest reserves as he may desire at not to exceed a cost of \$500 each. Then by a subsequent provision if any association or person may donate to the Government land in any section of the country for a forest reserve, it is to be accepted and taken care of. That would seem to be an extraordinary discretion.

It may be wise, and yet it does seem to me, Mr. President, that Congress ought to reserve some sort of right in this matter. The acceptance on the part of the Secretary would bind Con-

gress for all time to take care of whatever happens to be donated. There are enterprising associations of men—men of large means and wealth—who are looking in that direction, more especially to the south of us, who have great game reserves, in order that they may amuse themselves during a part of the year. And when that sport has ceased, or practically ceased, they may simply turn those reserves over to the Government of the United States, upon the acceptance of the Secretary of Agriculture. To provide that we should bind ourselves to take care of all of those places that are now private parks would seem to be rather an extraordinary provision. I should like to have the chairman of the committee in charge of the bill tell the Senate precisely what he has in view, and why this great discretion, without any action on the part of Congress, is to be lodged in the hands of the Secretary of Agriculture.

Take the case of the Smithsonian Institution. We all know how it was created and what a valuable work it has done for the country and for the world; yet Congress will not permit that great Institution to accept a collection of art objects valued at \$1,000,000. Why? Because Congress, up to this time, and the committees that have considered matters in connection with that Institution, have considered that it was unwise and improper to grant authority to any body of men to accept donations that might entail great expense upon the Government hereafter. There is pending now an offer of a magnificent donation to the Smithsonian Institution—what is said to be one of the finest collections, probably, in the world—yet we do not permit that Institution to accept that gift until specific appropriations have been made. I understand from the public prints—and I think there is no doubt about the authenticity of the report—that the donor now offers to construct even the building to house the exhibit and to defray the entire expense; yet it can not be done without action by Congress designating the site and fixing the character of the building.

In the provision of the bill under discussion there is delegated to the Secretary of Agriculture a power—never delegated to a Secretary of Agriculture before—to accept, in his discretion, anything that may be offered. I should like to have the Senator from Vermont give us some explanation of this proposition, and tell us why it is that such discretion is to be lodged in the Secretary of Agriculture.

Mr. PROCTOR. Mr. President, I suppose the Senator is well aware that there is a very greatly increased interest in forestry matters. If he attended any of the sessions of the Forestry Congress, held about a month ago, he must have been convinced of that fact. I was fortunate enough to attend one meeting of that congress. I did not hear the address of the President of the United States, but I heard several presidents of great railroad corporations, one of whom, the president of the Northern Pacific Railroad Company, I know. Although I had given the matter some attention, I must say I was astonished at the statistics that he gave as to the railroad consumption of timber for ties and various other purposes. The importance of the subject was, I am sure, impressed upon everybody who was present.

While, until I had investigated the matter, I shared to some extent the feeling of the Senator that perhaps we were going a little faster than was really necessary, I am now convinced that we are doing really less than it is for the public interest that we should do. With our rapidly increasing population and the great growth of industrial enterprises which use a vast amount of timber, we are likely, in a few years, to be as badly off for timber as almost any country in the world.

Private individuals and corporations are doing in this matter very much more than I was aware of. The Agricultural Department has not been able to secure the services of enough men educated and well trained in the matter of forestry service, on account of their resigning and being granted leaves of absence without pay to supply the demand from private parties for their services, to give instruction in the care of forest lands and the planting of new forest growths. I think there is no money better expended than what is being used for forestry purposes.

In regard to what the Senator says about the acceptance of forest land from private individuals, that was a new matter to me. I inquired into it and found that in some cases tracts of land had been offered to the Government without charge. The reason for accepting these offers, as it seems to me, is that the land is in timbered regions; and it was offered for the public interest, with the idea that the care taken by the Government of the lands so presented might be an object lesson that would be of great general benefit.

Mr. FULTON. Mr. President—

The PRESIDING OFFICER (Mr. PERKINS in the chair). Does the Senator from Vermont yield to the Senator from Oregon?

Mr. PROCTOR. Yes.



Mr. FULTON. Does the Senator refer to the proposed amendment as set forth beginning in line 20, on page 37?

Mr. PROCTOR. Yes.

Mr. FULTON. Then I should like to ask the Senator if it is proposed under that provision to make such tracts as shall be donated forest reserves without reference to their being contiguous to previously established reserves or being within the line of previously established reserves? If so, then we will have forest reserves in spots all over the timbered States wherever the timber has been previously logged off, and will simply have a checker-board of little forest reserves. There is very great objection to that.

I do not agree with the Senator that we are probably going too slowly in this matter. I think we are probably going a little too rapidly in the matter of establishing forest reserves. I do not know what proportion of Oregon is within forest reserves or forest-reserve withdrawals, because I have not heard this morning, but up to last night very nearly one-fourth of the State was embraced within forest reserves. Those reserves stand in the way very largely of the State's development. There is no means of constructing roads across them. They divide Oregon geographically north and south, and there is no authority for constructing roads through the reserves or building through them lines of communication from one part of the State to another.

Vast tracts of merchantable timber are now within the limits of forest reserves—timber that has matured and that should be cut and go into commerce; and yet it has been withdrawn from commerce. The timber industry is one of the principal sources of commerce and revenue in the Western or Pacific-coast States, and this is becoming a serious problem with the people on the Pacific coast, at least in some sections. One of the principal resources is lumbering. Vast sections of timber land are withdrawn. No adequate means are afforded for cutting the timber and sending it to the markets.

I wish to call the Senator's attention to the fact that while he is protecting the forest resources of the country he must also have some consideration for the development of the States in which the forest reserves are located. There is an implied understanding, I think, when a State is admitted into the Union that the public lands within the State shall remain open for settlement. Otherwise the possibility for State development is destroyed, and if all the land where timber is grown may be turned into forest reserves because some man wants to have his name attached to a forest reserve and have it go thundering down the ages as his reserve—

Mr. CLAY. Is it not true, I will ask the Senator, that forest reserves have become so numerous that they are a burden to the people? This bill provides that—

The Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said reserves are respectively situated.

Is it not true that the reserves have become so numerous that people have come here and even asked for permission to go into them and cut timber and export it?

Mr. FULTON. With the permission of the Senator from Vermont, as I really have taken him off the floor, not intending to discuss the bill so extensively when I rose—

Mr. CLAY. There is a provision in this bill that the Secretary of Agriculture may authorize private persons to go into the forest reserves and cut timber for the purpose of selling it, and I see that there have been applications made to the Department stating that the timber ought to be used for that purpose. Evidently the forest reserves have become so numerous as to be a burden to the people.

Mr. FULTON. That, in my judgment, is correct. I believe forest-reserve withdrawals have been permitted to too great an extent by far. It is crippling the resources of the States that are largely timbered, and matured timber has been withdrawn that should be in the market to enter into the commercial and the manufacturing industries of the country.

This provision to which the Senator from Georgia refers impliedly gives the Secretary of Agriculture power to say whether or not the timber when cut may be exported from one State to another, and of course it is in his power to say whether or not timber shall be cut at all within the limits of a forest reserve. I appreciate the fact that if we have forest reserves there must be power lodged somewhere to control the removal of timber from them. But I believe that the withdrawals for forest-reserve purposes are already too extensive.

I also believe that some better facilities should be provided by the law for the disposal of matured timber. It is retarding settlement in the States where the land has been so widely

withdrawn. It does not follow because land is timbered, or even because it is well timbered, that good homes may not be built upon it or that the land may not be useful for agricultural purposes when the timber is removed. Large tracts of timbered lands on the Pacific coast from which the timber has been removed have become very valuable agricultural and grazing lands.

I think the provision on page 37 should be guarded by some additional amendment. I do not believe lands should be received by private donation for forest-reserve purposes unless they are contiguous to a previously established reserve or within the boundaries of a previously established reserve.

Mr. HANSBROUGH. Mr. President, I agree with much that the Senator from Oregon [Mr. FULTON] has said in regard to the general policy relating to forest reserves. But let me call the attention of the Senator and the Senate in general to the fact that we have entered upon a policy of national irrigation, and if we are to do anything of importance in that direction it seems to me it is going to be necessary to preserve the forests of the country to the furthest extent.

The Senator from Oregon speaks of the importance of the development of the industries of the various States that are interested in irrigation and forestry. Mr. President, I do not know any better way to develop the industries of a State, where a portion of that State or all of it is in the arid or semiarid region, than by encouraging the growth of trees on the watersheds, where water may be conserved for purposes of irrigation.

Now, in respect to this particular provision which the Senator has discussed here, I wish to say that I am advised—and I do not know that I am authorized to state all the details as they come to me—that negotiations are now pending between the Forestry Bureau in this city and two of the great land-grant railroads of the country, whereby those roads propose to transfer to the Government the title to large tracts of forest land, first being allowed to take from those lands the matured timber, with a view to allowing the Government, under the scientific arrangements which it has adopted, to enter upon a policy of reforestation upon the lands so transferred, so that there may be another, a second, and a third, and a fourth growth of trees on those lands. It seems to me that that is in the interests not only of preserving the forests, but also in the interest of irrigation.

Mr. BERRY. Will the Senator from North Dakota permit me to ask him a question?

Mr. HANSBROUGH. Certainly.

Mr. BERRY. The clause beginning in line 18, on page 36, is so awkward in its wording that I am unable to understand exactly the intention.

Mr. HANSBROUGH. What page?

Mr. BERRY. Page 36, beginning in line 18. Does the Senator understand from that that the Secretary may permit individuals to go on these lands and cut timber and sell it, ship it abroad, or is it only that timber can be removed for some specific purpose, such as in connection with the investigation of agents spoken of afterwards?

Mr. HANSBROUGH. I will state what I think is the purpose of that provision. The Senator from Oregon touched upon that point a few moments ago.

Mr. BERRY. I was not in the Chamber.

Mr. HANSBROUGH. The Senator from Oregon stated that he believed that the matured timber upon these forest reserves should be marketed. I think he is right about it. I think when a tree has its growth it should be removed and utilized, and thus give an opportunity for other trees to grow for the use of future ages. I think that is the purpose of the provision to which the Senator from Oregon called my attention. There are vast forests in Alaska, I understand, where the trees have their full growth, and the fires and the elements generally are destroying them. The purpose of the provision, as I understand, is to allow the cutting and sale of those trees and their being worked up into lumber, or in any way to make them merchantable.

Mr. BERRY. Where does the money go, if they are sold?

Mr. HANSBROUGH. I think there is a provision here, and if there is not there ought to be, requiring the Secretary to turn the money into the Treasury, of course. That is the understanding.

Mr. BERRY. There is nothing of that sort in this particular section, and on its face, it seems to me, the Secretary might select private individuals whom he wanted to favor, if there were any such, and permit them to cut off any amount of timber. I can not see the necessity for more forest reserves if the Secretary can permit anyone who desires to cut timber and sell it. It seems to me the section is very awkwardly drawn.

Mr. HANSBROUGH. That may be. It is possible that the language could be improved and the section greatly strength-



ened. But I have only stated, as I understand it, the general purpose of the provision. I assume that the Secretary of Agriculture would be careful enough, under his authority and his oath of office, to see that the interests of the Government were subserved and that no particular individual had any advantage over any other individual.

Mr. FULTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. HANSBROUGH. With great pleasure.

Mr. FULTON. I wish to ask the Senator a question. Would you favor allowing the Secretary of Agriculture to accept as a forest reserve a tract of a hundred acres, we will say, isolated, distant from any other reservation?

Mr. HANSBROUGH. No; I do not believe that personally I would favor such a policy, nor do I think it is the intention of the Secretary to enter into that kind of business. My understanding is this—

Mr. FULTON. I call the Senator's attention to the fact that there is not any limitation as to the area which he is permitted to accept nor as to its location with reference to previously established reserves. Do you not think there should be some limitation?

Mr. HANSBROUGH. Perhaps it would be well for some limitation to be put in the bill. My understanding is that it is the purpose, if the pending negotiations shall be consummated, to transfer to the Government large tracts of land. Of course the railroads own only the alternate sections.

Mr. HEYBURN. Mr. President—

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. HANSBROUGH. I yield to the Senator from Idaho.

Mr. HEYBURN. I should like to submit an inquiry to the Senator. Take the amendment under consideration, in connection with the bottom paragraph on the previous page, page 36, and let us see what effect the operation of the law would have upon the public lands, taking those two together. I call his attention to the paragraph at the bottom of page 36, in which it is proposed, among other things, that—

the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said reserves are respectively situated.

That would permit the Secretary to grant permits to railroad companies to remove the timber from the Government's alternate sections within a forest reserve and ship it over the world, wherever they saw fit. That would dispose of the Government timber in a forest reserve. Then it permits the railway company to denude its land of the timber, to sell it in whatever market it may find. There you have an unbroken area of the public domain of the United States, all of which becomes a forest reserve.

Now, this bill makes no provision for the portion of the land which may be adapted to home making and agriculture and the building of cities and other public development. It says it shall go into a forest reserve. You tie up the public domain to that extent.

Mr. HANSBROUGH. Let me ask the Senator a question. The Senator comes from a State which is very much interested in irrigation. I ask the Senator if he does not think a policy predicated upon the fact which he has stated here would be a very wise policy in the interest of national irrigation?

Mr. HEYBURN. I will answer that with a good bit of satisfaction and pleasure. The forest reserves created in the State from which I come, for the first ten years of the operation of the law, were created within the humid region and not a single one within the arid region of the State—that is, at the heads of streams flowing into those portions of the State where we need no irrigation.

This bill does not confine its provisions to any section of the country—that is, to the arid region of the country. The forest reserves are largely in the humid sections of the United States. Trees grow there, and that is the reason why the forest reserves are there. That is where the timber grows. You are not dealing with the arid region of the country when you are dealing with the provisions of this bill.

Mr. HANSBROUGH. Let me call the attention of the Senator to the fact that the arid regions are dependent upon the waters that are conserved in the forests in the humid region. Otherwise there would be no necessity for a national irrigation act.

Mr. HEYBURN. I should like to ask the Senator whether or not it has come within his notice that the snows go first out of the timber in the mountains; that the snow falls more

lightly down through the branches of the trees and rests on the ground more lightly and does not freeze so hard? Flowers are in bloom in timber at the heads of streams in the mountains before the snows are off the bare peaks which have no timber on them.

We are misled sometimes by taking things for granted. It seems to have been taken for granted that the snows lie in the timber longer than they do on the bald mountains, and the high mountains are practically free from timber at the top. The snow is not conserved, as we are told, by reason of the timber.

Mr. HANSBROUGH. I do not know as to the general details of the melting of snow.

Mr. HEYBURN. I will say to the Senator that I have had opportunity to observe the condition throughout a good many years, and I know that it is true. It is well enough to stand or sit in Washington and theorize about how the snow would be protected by the rays of the sun because it was in timber, but those of us who live in the mountains and among the timber know that there is no foundation for the theory. The snow disappears from the timbered land when we have as yet remaining the glaciers and the heavy frozen snows of winter on the mountain tops upon which we depend for the high water of June and that season of the year when we rely upon the great reservoirs being filled.

Mr. HANSBROUGH. Generally speaking, we all understand that the moisture comes from the mountains into the streams that flow out upon the land we are trying to irrigate. I think there can be no dispute as to that.

Another point I desire to refer to is with respect to the money derived from the sale of any timber by the Secretary of Agriculture, under the provisions appearing on page 36, to which the Senator called my attention. I find in an act which has just passed—I think it has been approved and is now on the statute books—this provision:

That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States for five years as a special fund available, until expended, as the Secretary of Agriculture may direct, for the protection, administration, improvement, and extension of the Federal forest reserves.

That is the act recently passed transferring the forest reserves from the Secretary of the Interior to the Secretary of Agriculture.

Mr. GORMAN rose.

Mr. HANSBROUGH. This is in a separate act, I will say to the Senator from Maryland.

Mr. GORMAN. I should like to know from the Senator where he finds the limitation, even of five years, in that act?

Mr. HANSBROUGH. That limitation was put in, as I understand from the Senator from South Dakota [Mr. KITTREDGE], by the conference committee. The limitation to five years was inserted in conference.

Mr. GORMAN. If the Senator will permit me, I should like to ask him a question. Is it possible that he can approve of a provision of law such as this, which seems to have escaped everybody's attention when it passed, except in the case of the irrigation matter, probably? Here you authorize the head of a Department to lease public reservations for grazing purposes, or to sell timber therefrom, and then you permit the money to be expended by him at his discretion without any further act of Congress. Suppose it is limited to five years; and I do not find that limitation in the original act. It may be the law that has not yet been received from the printer. But as the measure came from the committee it was unlimited as to time.

But even with the limitation, to grant to any one officer of the Government the power to dispose of any property on such terms and to whomsoever he sees proper, and then to place the money at his disposal for another purpose, is very extraordinary legislation, I submit to the Senator; and I call his attention to the fact, as he is a member of the committee in charge of this bill, that we ought to have some limitation now in regard to that matter and some correction of the abuse in this special act.

Mr. HANSBROUGH. I would not object to the Senator from Maryland inserting an amendment in the pending bill providing that any moneys that may come into the hands of the Secretary of the Interior, or any other Secretary, for that matter, from that source shall be covered into the Treasury and remain there until they are appropriated by Congress. I think the Senator is right about that.

Mr. GORMAN. I am very glad to hear the Senator say that, and I trust the committee will prepare a proper amendment—and if not, I will—to cover the point.

But I wish to call the Senator's attention again to page 36 of the bill as it comes here. Senators will remember that this is a transfer to the Agricultural Department of the Forest-Reserve Division from the Interior Department, where heretofore

they have had very ample power to protect whatever we had, and yet here comes all this legislation from another body to the Senate, and it is ratified and extended by our committee:

And the Secretary of Agriculture may, in his discretion, permit timber and other forest products cut or removed from the forest reserves of the United States, except the Black Hills Forest Reserve in South Dakota, to be exported from the State, Territory, or the district of Alaska, in which said reserves are respectively situated.

That can be done anywhere in the United States and the product may be shipped out, as was well stated by the Senator from Oregon. Following that is the other provision, that he may accept any land that may be donated and name it after the donor, the Union Pacific, the Northern Pacific, or any other railroad company, and it becomes the property of the United States, subject to our control, and all the expense of taking care of it is to be provided from the Treasury, without the slightest limitation. I understand that the Senator from Vermont, the chairman of the committee, said that when he first looked at it he considered it rather an extraordinary power, but that certain suggestions had been made to him which caused him to modify his view.

I find nothing in the report either of the Department or of the committee that gives the faintest idea of who has been offering land and to what extent we are going in this matter.

Mr. HANSBROUGH. I will say to the Senator that I think these negotiations are tentative. I am advised by parties connected with the forestry service here that they are pending, and that there is a very fair probability that the negotiations will succeed, resulting in the transfer of a very large tract or several large tracts of land now owned by railroad companies—land-grant roads—the roads being permitted first to take the matured timber from the land. The land will then be transferred to the Government of the United States without any consideration whatever, with a view of permitting the Government to enter upon the policy of reforestation.

Mr. PATTERSON. May I ask the Senator from North Dakota a question?

Mr. HANSBROUGH. Certainly.

Mr. PATTERSON. Are not the lands that the railroad companies propose to donate to the Government, and which are to be taken care of by the Government, practically valueless when denuded of timber?

Mr. HANSBROUGH. They are for the moment.

Mr. PATTERSON. That is, the railroad companies take all the timber of value from off those lands. Are not the lands, while in the possession of the corporations, subject to taxation in the States or Territories in which they are situated?

Mr. HANSBROUGH. After the title has passed, I suppose that is true.

Mr. PATTERSON. And by this sort of a deal with the Government are not the railroad companies getting rid of land that they could not sell to others? The Government gives its care to the lands and the lands are exempted from taxation while the Government has title. It exempts the railroad companies from taxation and takes charge of the lands, preventing them from going into the hands of private persons, if anybody should desire to secure possession of them.

Mr. HANSBROUGH. In answer to one point raised by the Senator, I will say I do not think any agent of the Government of the United States would accept, even as a gift, worthless lands upon which timber could not be reproduced.

Mr. PATTERSON. I suppose the theory of the Government would be that there might be replanting and a new growth of timber.

Mr. HANSBROUGH. Or timber might grow without replanting.

Mr. PATTERSON. Yes; as the result of care for a great many years. But does not the generosity of the railway companies really consist in getting rid of lands that would be simply a burden and an expense to them, and that they could not dispose of to others?

Mr. HANSBROUGH. I think the real purpose of the railroad companies in entering into this negotiation with the forest-reserve officers here is to have the land reproduce, from time to time, a growth of trees that would be valuable not only for merchantable purposes, for lumber, etc., but that would also furnish ties with which they can reconstruct their roads from time to time, because that is a very serious question with them.

Mr. PATTERSON. The lands will reproduce timber without the title passing to the Government or without the exercise of any particular care by anybody. The reproduction of timber upon timber land is a natural process, as we know in the mountain States and Territories. Where large areas have been devastated by fire, within a reasonably short time you see the growth of new trees.

Mr. HANSBROUGH. That is the very point, Mr. President. I am glad the Senator has raised it. Under prevailing conditions

the railroad companies and the private holders of property within the indemnity limits and all the limits of these land grants have been unable to cope with the great fires which destroy timber. The forestry reserve service here are now working toward a policy under which they will be able to control the fires by policing the country and watching in every way.

Mr. PATTERSON. When forest lands have been denuded they are not in danger of fire. The fire only passes over lands that are covered with a comparatively thick growth of rather heavy timber. It is rarely that you see the effects of fire in the mountains on land covered with a young growth, and certainly not on land that has been denuded of its valuable timber. The lands that suffer from fire are practically virgin lands upon which the timber yet stands, or of which but little has been taken away.

Now, as I understand the Senator from North Dakota, there is no proposition to give to the Government timber lands with any valuable timber, or lands that would bring 5 cents and more upon the market, but lands that have been absolutely valueless except for the timber once there.

Mr. HANSBROUGH. I do not suppose that the Government of the United States cares to go into the business of acquiring timber lands merely for the timber that is on the land.

Mr. PATTERSON. The Senator will also agree with me that in every State and Territory these land-grant railways are compelled to contribute a very considerable portion of the revenue in the way of taxation upon the lands that they own and hold. It is all assessed for taxation, and if they are permitted to eliminate or get rid of these lands and they are transferred to the Government, then, under the terms of each State constitution, not a dollar of tax can be collected from them, while if they go into the hands of other corporations or of private individuals, wherever they may go, they are yet subject to taxation.

Mr. HANSBROUGH. Suppose they are worthless? Suppose they can not transfer them to private individuals, that private individuals do not want them? They are valuable only for their timber.

Mr. PATTERSON. The State always finds value enough in lands of whatever character to have them listed for taxation.

Mr. HANSBROUGH. The taxes are very small, the Senator will remember, as to this class of railroad lands.

Mr. PATTERSON. That is true.

Mr. HANSBROUGH. The taxes are very slight.

Mr. PATTERSON. But the better part of the energies of this land-grant railroad and other railroads, as a rule, is expended in getting rid of taxation and lessening taxation.

Mr. HANSBROUGH. I am very glad that these questions have been raised in regard to this matter. I do not insist upon it, and yet I think it is a move in the right direction. I think it is something we ought to discuss here and have some understanding about.

Mr. HEYBURN rose.

Mr. HANSBROUGH. I yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I was seeking to direct the Senator's attention to this point. By the provisions of this bill these lands would become permanently and forever a forest reserve. If the Government receives them for that purpose, would the Government be at liberty at any future day to open them for settlement? It says "to accept the gift of land for forest reserve purposes." Suppose settlement crowds upon one of these reserves that have been given to the Government by these generous railroad companies or citizens, as it may be, the Government would be, under the terms of this bill, forever precluded from opening them to settlement, and we would thus have a large section of the country tied up in a permanent forest reserve, irrespective of what the development of future settlement or the needs of settlement might be.

Mr. HANSBROUGH. The Senator is a lawyer. I will ask him whether that would not depend entirely upon the instrument of transfer?

Mr. HEYBURN. This provides for the character of the instrument. It says they shall be given for forest-reserve purposes. I propose, when I can do so properly, to move to strike out that clause, and also to strike out the complementary provision which is a part of it and the foundation for it, on page 36, which gives the Secretary of Agriculture—

Mr. TELLER. The provisions on pages 36 and 37 go together.

Mr. HEYBURN. Yes; one is a complement of the other. One is a part of the other as a plan or scheme. I propose to move to strike out the section which gives the Secretary power to permit timber and other forest products cut or removed from the forest reserves of the United States to be exported from the State or Territory, because it is a part of the plan foreshadowed by this proposed amendment, that that would enable the rail-



road company to denude its alternate sections of timber, and, as the Senator from Colorado says, to avoid taxation and the burden of ownership, give the lands back to the Government and receive an honorary benefit in having it known by the name of the donor, tie up the lands forever as a forest reserve, and thus deduct from the area of those States we represent the limit of forest reserves, which, until the recent Executive order in the State I represent here in part, amounted to over 25 per cent of the land in the State.

Mr. HANSBROUGH. That is the view of the Senator. I do not think that that was the view of the committee or of any individual member of it.

Mr. HEYBURN. I do not charge that it was.

Mr. HANSBROUGH. They were not specially interested in the provision.

Mr. HEYBURN. I am not charging that the committee or any member of it or any member of this body has any such scheme or plan in mind, or ever had, or ever will entertain such; but there are influences behind all this legislation that sometimes deceive the ablest men, and it is our business and our duty to look to the bottom of them and detect them, and having detected them to eliminate them from our legislation.

Take another phase of it. The Senator from Maryland says there is no provision for the disposition of the money realized from the sale of these lands. Suppose under this provision, on page 36, the Department, as a lump transaction, should contract with one of the great railroad corporations for the sale of all the timber within the Bitter Root Forest Reserve or the Mount Rainier Forest Reserve. That contract amounts to ten, fifteen, or twenty million dollars, perhaps. They would not be required to remove the timber perhaps under thirty, forty, or fifty years, but they agree to do it, and the money passes. There is no provision in this bill, nor is there any provision in the bill transferring the Forestry Department to the Department of Agriculture, as to what shall be done with the money, except so far as it may be used by the Department. Are we prepared to make an appropriation to any Department of this Government of an indefinite sum that might amount to \$20,000,000 without providing to what use the money shall be put? That is what the two bills taken together amount to. These are very serious matters for consideration, and it ought not to be disposed of without a much more thorough consideration than we can give in the short time allowed us to-day.

Mr. HANSBROUGH. I agree with the Senator from Maryland that there ought to be provision here to safeguard the money so that the money may be covered into the Treasury, subject to appropriation or reappropriation by Congress. I think that should be put in there.

Mr. TELLER. Mr. President, there is not time to-day to debate this very important question. I merely wish to call the attention of the Senate to it for the three or four minutes I may have, to resume perhaps when the bill comes up again.

In the first place, Mr. President, there are very great legal questions presented. The lands that are proposed to be given to the Government of the United States are the property of individuals and subject to taxation in the State. I deny the right of the Government to take by gift or purchase any land within the State of Colorado or any other State except for public use, like a post-office or other public building, or something of that kind, and thus deprive the State of its right to taxation.

We passed a law a good many years ago inadvertently and foolishly, because it has been very much abused, providing that the Government might reserve its own lands, and make reservations of them. Nobody thought then and nobody ever thought until this bill came here that the Government of the United States could buy up the land in a State and make a forest reserve of it. There is not a constitutional lawyer in the country who will contend that that is constitutional. The Government can not take from these railroad lands that belong to individuals and take them out of the category of taxable lands.

Mr. President, this is the most nefarious and foolish proposition I have heard in a long time. It has neither law nor sense behind it.

Mr. HANSBROUGH. The Senator is very complimentary!

Mr. TELLER. I am not complimentary perhaps to the people who put it in. Mr. President, we have seen coming from that section the most ridiculous proposition day after day and time after time, touching this question, and we, in the West, necessarily must be alive to it, for we do not intend that the Government of the United States shall cover the new States with forest reserves where there is not any forest, nor do we intend that they shall take them out of the category of taxation, except the extreme cases when they may be necessary to

preserve the water for the irrigating region. In the State of Colorado they have taken thousands of acres of land and put them in forest reserves, and I will venture to say that a two-horse team could cart off every stick that ever grew or ever will grow on hundreds and hundreds of acres.

In this bill, coming from the same source that that comes, there is a provision that if any man pastures his cow or his horse on a reservation, without first getting the permission of the Department, he may be imprisoned or punished by a fine of \$1,000.

Mr. PROCTOR. The Senator will pardon me—

Mr. TELLER. It was so ridiculous that the Senator from Vermont, the chairman of the committee, would not present it to the Senate for approval. And yet when the committee did not put it in on their own motion it was put in by the same influence that put in this provision.

Now, Mr. President, when the bill comes before the Senate again, as I understand it is now going over for the day, I propose to say something about the character of these reservations. Useful as they may be when properly guarded, and properly taken care of, and properly selected, they have become the curse, as the Senator from Oregon has said, of a good portion of that western region, and not a blessing.

Mr. PLATT of Connecticut. Is the Senator from Colorado through?

Mr. CULLOM. Yes, he is through.

Mr. PLATT of Connecticut. I wish to call attention—

Mr. BATE. I believe the hour of 2 o'clock has arrived.

Mr. PLATT of Connecticut. There is a half a minute remaining.

The PRESIDENT pro tempore. There is just about half a minute left to the Senator.

Mr. PLATT of Connecticut. I wish to call attention to the character of this legislation on an appropriation bill. It is general legislation.

Mr. TELLER. Beyond question.

Mr. PLATT of Connecticut. The discussion which has arisen here shows the impropriety of attempting to pass general legislation on appropriation bills.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the House insists upon its amendments to the following bills disagreed to by the Senate:

S. 3732. An act granting a pension to Philip Lawotte;

S. 5947. An act granting an increase of pension to Florence O. Whitman; and

S. 6152. An act granting an increase of pension to Anne E. Wilson; agrees to the conferences asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama managers at the respective conferences on the part of the House.

The message also announced that the House had passed a concurrent resolution requesting the President to return the bill (H. R. 3286) granting an increase of pension to Jacob F. French.

#### ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 17345) to exclude from the Yosemite National Park, California, certain lands therein described, and to attach and include the said lands in the Sierra Forest Reserve, and it was thereupon signed by the President pro tempore.

#### JACOB F. FRENCH.

The PRESIDING OFFICER (Mr. FOSTER of Louisiana in the chair) laid before the Senate the following concurrent resolution of the House of Representatives; which was read, considered by unanimous consent, and agreed to:

*Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 3286) entitled "An act granting an increase of pension to Jacob F. French."*

#### STATEHOOD BILL.

The PRESIDENT pro tempore. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is House bill 14749.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 14749) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

Mr. LONG. Mr. President, I live near the northern border of the proposed new State of Oklahoma. I am somewhat familiar with the conditions which exist in the Territory of Oklahoma and Indian Territory. This is my reason for participating in this debate. I may be able to correct some of the inaccurate statements which have been made by Senators who have preceded me.

The Territory of Oklahoma is fifteen years old. A part of the lands in that Territory were not opened to settlement until 1893. Still other portions were not opened to settlement until 1901. The progress that Territory has made in the fifteen years since it was organized is without a parallel in the history of this country.

It has been settled by a people who are perfectly familiar with government, who have had experience in the States. Its population includes people from every State and Territory in the Union. It is great in the production of all kinds of agricultural products. Upon a single farm in Oklahoma can be seen growing at the same time products that grow in the States from Minnesota to Florida, from Maine to California. It produces wheat, corn, oats, cotton, and all other farm products of the great Mississippi Valley. Its fruit is a marvel to fruit growers all over the country. This Territory was awarded the gold medal at the Louisiana Purchase Exposition for the best general collection of agricultural products.

It has an area of 39,030 square miles—about as large as Ohio. It has 336 banks, with deposits aggregating \$18,000,000. It cast 109,145 votes at the election of 1904. Eighteen different States in the Union each cast a less number of votes at that election than were cast in the Territory of Oklahoma.

#### OKLAHOMA'S PROGRESS UNPARALLELED.

The value of all property in the Territory, as estimated by the governor in his last report to the Secretary of the Interior, was \$540,000,000. It has seven educational institutions under the control of the Territory, with an enrollment of 3,426. It has splendid and well-equipped buildings for these institutions. Railroads traverse every part of the Territory. Six hundred and ninety-nine miles of new track were built last year. The census of 1890 showed a population of 61,834, and the census of 1900 showed a population of 398,331. The governor of the Territory in his report to the Secretary of the Interior estimated that the population of the Territory was 700,000 last July. The percentage of illiteracy is less than in three-fourths of the States of the Union. There are 57 Presidential post-offices in Oklahoma. The Territorial land grant is estimated to be worth between \$20,000,000 and \$25,000,000. It has a magnificent system of common schools. Its people are progressive and intelligent, and by any test or standard that can be devised are entitled alone to statehood.

#### FREQUENT APPEALS FOR STATEHOOD IN PAST.

The people of Oklahoma have been appealing in vain to Congress for permission to organize a State for several years. Thirty bills have been introduced providing for statehood for Oklahoma alone. They have all failed. Oklahoma was originally a part of Indian Territory, and because of the conditions there Oklahoma has been denied statehood with Indian Territory.

The Senator from Tennessee [Mr. BATE] in his remarks yesterday said of Indian Territory:

There are 87,000 Indians there, and those Indians, as we learn from history, are the owners of the soil. It belongs to them as yet. The white man has no rights there, except such as the Indians have given him. He is there, and I want him protected, and the Indians want him protected in his rights; but has he the right to kick the Indian out of his house, set up for himself, and say, "We will have our own way?" That is the question that presents itself here, sir.

The Indians of the Indian Territory have their own schools, as was said by the Senator from Arkansas [Mr. BERRY]; they have their own courts; they have their lawyers; they have their judges; they have their magistrates; they have their own civil districts, and they have taught in their schools not only the Indian tongue, but the English tongue. That is the situation there. I do not know that there is any provision made there for common schools for white children, because the white men do not own the soil. The Indians are the owners of that soil, and the great question comes up now, Shall we legislate at the expense of the Indians? I want to see everything done there for the white man that can reasonably be done, but I do not want to see it done at the expense of the Indians, who have obtained that soil through treaties that have been solemnly made with the Government of the United States.

I submit this statement may have described conditions in Indian Territory fifteen or twenty years ago, but does not describe them as they exist to-day.

#### MISAPPREHENSION ABOUT THIS BILL.

There is misapprehension in regard to the provisions of this bill in its treatment of the Indians. Petitions have been circulated throughout the State I in part represent, asking me to vote against this bill because of its treatment of Indian Terri-

tory and the Indians therein. I have a letter here from a prominent official in my State which contains this statement:

It would be in violation of the solemn treaty obligation of the Government not to include the Indian country as part of any other State or Territory without their consent.

Accompanying this are extracts from the treaties made with the Cherokees in 1835, with the Seminoles in 1856, and the Choctaws in 1830. The treaty with the Cherokees is similar with the provisions in the other treaties, and is as follows:

The United States hereby covenants and agrees that the lands ceded to the Cherokee Nation in the foregoing articles shall in no future time, without their consent, be included within the territorial limits or jurisdiction of any State or Territory.

#### GOVERNMENT AUTHORITY OVER INDIANS NOT AFFECTED.

These good people in their petitions and letters to me express the opinion that this bill does not adequately protect the interests of the Indians, and that we are about to make a State there without the consent of the Indians and in violation of these treaties, which they claim are yet binding upon the Government of the United States. Others petition me to oppose this bill because the Government will lose its control over its wards, especially in regard to prohibition of the sale of liquor to Indians. They entirely disregard the following provision in the bill:

*Provided*, That nothing contained in the said constitution shall be construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this act had never passed.

They also ignore another provision in the bill providing that the "sale, barter, or giving of intoxicating liquors to Indians are forever prohibited." There is also an amendment reported by the committee to the Senate providing for prohibition in Indian Territory for ten years.

Is this bill in violation of these treaties made with the Indians? Of course if the treaties are still in force, if they have not been abrogated, this bill violates them; but Senators will observe that the treaties also provide against including the Indians within the Territorial limits of a Territory without their consent. If they are still in effect, we violated them when we organized the Territory of Oklahoma fifteen years ago. That was a part of Indian Territory.

#### FORMER TREATIES WITH INDIANS ABOGATED.

But the fact is that these old treaties have long since been abrogated, and they are used now among the uninformed through petitions and letters to defeat this legislation. Those treaties were made when the Government's policy was to remove the Indians from the Southern States, where they had lived for years, to the western country, and keep them isolated from white men, who were not permitted to mingle with them. That policy has long since been succeeded by another policy, which the Senator from Colorado [Mr. TELLER] said the other day was a wrong policy—which would result finally to the injury of the Indian. But whether it is wise or not, it has been adopted, and we can not change it now. It is the policy of breaking up the tribal relations and permitting them to take their lands in severalty, each Indian to live on his allotment. The surplus lands are to be leased or sold to white men, so that the Indian, instead of being kept isolated, as in the past, is to be associated with white citizens and learn their ways and manners. That policy has been in vogue for some years, and it is by reason of that policy that these old treaties were abrogated and new agreements made.

#### BEGINNING OF NEW POLICY TOWARD INDIANS.

I wish to call attention to the beginning of this new policy in Indian Territory. In 1893 a law was passed creating the Commission to the Five Civilized Tribes, which is commonly known as the Dawes Commission. It contained this provision:

The President shall nominate and, by and with the advice and consent of the Senate, shall appoint three commissioners to enter into negotiations with the Cherokee Nation, the Choctaw Nation, the Chickasaw Nation, the Muskogee (or Creek) Nation, the Seminole Nation, for the purpose of extinguishment of the national or tribal title to any lands within that territory now held by any and all of such nations or tribes, either by cession of the same or some part thereof to the United States, or by the allotment and division of the same in severalty among the Indians of such nations or tribes, respectively, as may be entitled to the same, or by such other method as may be agreed upon between the several nations and tribes aforesaid, or each of them, with the United States, with a view to such an adjustment, upon the basis of justice and equity, as may with the consent of such nations or tribes of Indians, so far as may be necessary, be requisite and suitable to enable the ultimate creation of a State or States of the Union which shall embrace the lands within said Indian Territory.



## A STATE CONTEMPLATED FOR INDIAN TERRITORY.

That was the beginning of this new policy in Indian Territory. It was contained in the Atoka agreement, made in 1898, and approved by the Indians by a direct vote. This agreement also shows that it was the intention of Congress and the Indians to make a State in Indian Territory by the time their tribal governments were to cease in 1906 without providing for a Territorial government. It says:

It is further agreed, in view of the modification of legislative authority and judicial jurisdiction herein provided and the necessity of the continuance of the tribal governments so modified in order to carry out the requirements of this agreement, that the same shall continue for the period of eight years from the 4th day of March, 1898.

That would be March 4, 1906—

This stipulation is made in the belief that the tribal governments so modified will prove so satisfactory that there will be no need or desire for further change till the lands now occupied by the Five Civilized Tribes shall, in the opinion of Congress, be prepared for admission as a State into the Union.

This clearly indicates that it was the belief of Congress and the Indians that it would not be necessary to form a Territorial government there. A number of bills have been introduced providing for a Territorial government in Indian Territory, but there have none been reported from the committees of the Senate or House. We are within about one year of the time when these tribal governments are to expire, and yet no provision has been made for a State government to succeed them.

The act of June 10, 1896, contains this provision:

It is hereby declared to be the duty of the United States to establish a government in the Indian Territory which will rectify the many inequalities and discriminations now existing in said Territory, and afford needful protection to the lives and property of all citizens and residents thereof.

The Senator from Tennessee [Mr. BATE], in the statement to which I have referred, said they have their own courts and their own lawyers. That statement would have been correct prior to 1898; but their tribal courts were abolished in that year, and they have had none since that time. Not only were their courts abolished, but all laws passed by their tribal legislatures since 1898 have been of no validity unless approved by the President of the United States. They have had but little power for seven years. The mere shells of tribal governments remain, and these are to pass entirely out of existence March 4, 1906.

## THIS BILL CONSUMMATES OUR INDIAN POLICY.

So, instead of this bill being in violation of any agreement with the Indians, it is the consummation of the policy that we entered upon in 1893, when we created the Dawes Commission. Here are the various agreements [exhibiting] passed by Congress and approved by the tribes which now control in Indian Territory.

By an examination of these acts it will be ascertained that they provide for the rights of white men in Indian Territory. They provide for the organization of towns, and over 300 have been organized. They provide for the leasing of lands, and leases have been made all over the Territory. With the consent of Congress and the tribes, white citizens have gone into the Indian Territory, and these laws provide for their protection. In 1900 there were 398,311 people in Indian Territory, 87,000 of whom were Indians. There are now, according to the estimate of the Indian inspector, between six and seven hundred thousand people in Indian Territory, about 90,000 of whom are Indians. They have city governments only.

## DEPLORABLE CONDITION IN INDIAN TERRITORY.

We have heard a great deal lately about government without the consent of the governed. The best example of it anywhere beneath our flag is in Indian Territory. Porto Rico has a governor and an executive council. The people there elect their house of delegates; they have control of their local affairs, and elect a commissioner to represent their interests in Washington. Alaska has a governor, courts, and other officers. Hawaii has a complete Territorial government. Its people elect their legislature, which controls the local affairs of the Territory. The people also elect a Delegate to the House of Representatives. The Philippine Islands have a commission, which has charge of their local affairs. They have a governor-general. A census has been taken, and in a short time they will elect a legislative assembly, which will select two commissioners to represent their interests in Washington.

But Indian Territory has no governor, no legislature, no county, township, or Territorial government. The courts govern the country. Outside of their city governments all power is lodged in the judges and court officers. This condition has continued for years, and unless this bill passes, it will continue in the future.

It is not right to permit this to continue longer. Seven hundred thousand white citizens, capable of self-government, knowing as much about government as the people in the States, are entitled to better treatment by Congress.

## SCHOOL SITUATION WORST OF ALL.

The most deplorable condition, however, is in relation to schools. The school situation has attracted the attention of the country and Congress.

In fact, the conditions were so deplorable that last year, in the Indian appropriation act, an appropriation of \$100,000 was made for schools in Indian Territory. The language was veiled and it is difficult to determine what was intended by it, but that money has been used to educate white children in Indian Territory, and that was the purpose of the act. If this Government can appropriate money for schools in Indian Territory, it can and should do the same for Kansas, Colorado, and other States. But there was an emergency there which caused Congress to act in this unusual manner.

An examination of the reports of the Indian inspector, the superintendent of schools for Indian Territory, and the special agent of the Department of the Interior will show how inadequate this appropriation of \$100,000 has been. The special agent says that the \$100,000 was sufficient to give school accommodations to only 12,000 white children and that 60,000 had no school privileges and were growing up in ignorance. The superintendent of schools for Indian Territory says:

The white people residing in the small towns and country neighborhoods have no school facilities except such as are furnished by the little subscription schools. A few of these schools have done good work, but ordinarily they accomplish but very little. Their teachers are not required to hold certificates nor possess any special qualifications.

He then describes the use of this fund. Fifty thousand dollars of it was expended in providing accommodations for white children in the 400 Indian schools, and \$50,000 remained for the establishment of 150 schools for white children. The report then describes the number of schools that could be organized, the total being 6,180, showing how utterly inadequate that appropriation was. The inspector for Indian Territory recommends an appropriation of \$400,000 for school purposes next year.

## INDIAN CHILDREN ALSO AFFECTED.

The superintendent also describes the deplorable conditions which will exist so far as Indian children are concerned after the 4th of March, 1906, unless some adequate provision is made before that time. On that date the tribal school funds are to be divided, which means the abolishment of the tribal schools and the selling of the school buildings. The \$450,000 obtained from these tribal funds for teaching the 15,000 Indian children will no longer be available after the 4th of March, 1906.

## THE QUESTION AN ACUTE ONE.

These conditions demand legislation now. The situation there is without parallel anywhere in any place under the jurisdiction of the United States and should be speedily remedied. It is no more the duty of the Government to appropriate money out of the Treasury of the United States to educate children in Indian Territory than in Texas or Kansas. It is a condition that can only be met by adequate local legislation and should be controlled by a State or Territory.

There is no proposition pending for a Territorial government for Indian Territory. The only practical proposition is the creation of a State government for Indian Territory and Oklahoma.

## OKLAHOMA ACCEPTS STATEHOOD WITH INDIAN TERRITORY.

The Senator from Arkansas [Mr. BERRY] yesterday stated the fact when he said that the people of Indian Territory, if they could prescribe the boundaries of a State, would prefer separate statehood for Indian Territory. I know that if the people of Oklahoma Territory could themselves determine the boundaries of the State of Oklahoma they would make a State of Oklahoma alone. Oklahoma with its wealth, advancement, schools, colleges, and general resources has objected to being joined in statehood with unfortunate Indian Territory. That objection has now been withdrawn.

This is a practical question. These Territories have been denied statehood in the past on their own account. Their repeated appeals to Congress have remained unheeded, and now the people of Oklahoma Territory ask Congress to pass this bill and empower them and the people of Indian Territory to organize a State government.

Mr. BEVERIDGE. I will ask the Senator if he will permit me—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. LONG. I do.

Mr. BEVERIDGE. I will ask the Senator if what he has just stated is not true regardless of parties? Is it not the position of both parties there that they want a joint State?

Mr. LONG. It is the position of both parties, as I shall show later on.

Mr. BURROWS. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. LONG. I do.

Mr. BURROWS. I should like to know, as a matter of information, why it is that Indian Territory has not been accorded a Territorial form of government? It has an immense population, and why is it that through all these years it has not had a Territorial form of government?

WHY NO TERRITORIAL GOVERNMENT HAS BEEN GIVEN INDIAN TERRITORY.

Mr. LONG. As I have said, in 1893, when we created the Dawes Commission, we entered upon the policy of terminating the tribal governments, as stated in the act for "the creation of a State or States of the Union which shall embrace the lands in said Indian Territory." In 1898, in the Atoka agreement, the belief was expressed that the arrangement for modifying the tribal governments by providing for the dissolution of the Indian courts, also that no laws passed by the Indian legislatures should be valid without the approval of the President, would be so satisfactory, that no change would be necessary until statehood, or until, as the expression is, "they shall be prepared for admission as a State into the Union." Congress deemed it best to let these tribal governments continue to exist until March 4, 1906, and then, or before, organize, not a Territorial government, but give them a State government. That has been the policy.

Mr. BURROWS. Mr. President, if the Senator will allow me—

Mr. LONG. Certainly.

Mr. BURROWS. What is there in all that that precludes the right of the National Government to establish in the meantime a Territorial form of government?

Mr. LONG. There is nothing that precludes the Government from establishing a Territorial government; but the United States, on consultation with these Indians, reached an agreement that this was the better course to pursue. So the proposition to establish a Territorial government in Indian Territory has met with no substantial support in either the Senate or the House of Representatives. If I am not correct I should like to have the Senator from Indiana, who is better informed on that question than I am, set me right; but I think no bill to make a Territorial government in the Indian Territory has been reported from the committee of either the Senate or the House.

Mr. BEVERIDGE. That is correct. I will state to the Senator, furthermore, that in the bills which proposed the admission of Oklahoma as a State by itself it was contemplated that Indian Territory should thereafter be made a portion of the State of Oklahoma.

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. LONG. I yield cheerfully.

Mr. BEVERIDGE. Mr. President, I would state, furthermore, not only that, but in the bills proposing the admission of Oklahoma as a separate State it was further provided that at some future time the lines of Indian Territory should be drawn around that State so as to include both in one State, as is proposed now to be done by the pending bill. The reason why the prior bills did not propose statehood for both Territories at the same time was because the allotments could not be completed, but this bill now comes within the time when the allotments will be completed.

Mr. BATE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. LONG. I do.

Mr. BATE. Just a word. One of the reasons, I think, why there have been no steps taken toward having a Territorial form of government in Indian Territory is the existence of the treaties between the Indians and the Government of the United States. It was provided by those solemn treaties, signed by the President of the United States, that those Indians were to be a people to themselves. They did not want a Territorial government over them, and such a government would be in direct violation of the treaties which have been made with them.

Mr. LONG. I ask the Senator what he proposes to have take the place of the tribal governments which expire by limitation on the 4th of March, 1906?

Mr. BATE. I propose to do this: Let the Government of the United States retain its power there and see that the Indians are protected and not force them to live under a State government. I believe that the people in Oklahoma do want statehood; if they can get it, they want separate statehood; but if they can not be admitted as a separate State, they want to take in Indian Territory, so as to secure their own admission. That is the sentiment there, as I gather it.

Mr. LONG. The Senator thinks, then, that the interests of the 90,000 Indians and the 600,000 white people in Indian Territory will be best protected by giving them no government at all after the 4th of March, 1906?

Mr. BATE. Not at all; the Senator does not understand me. I say that the Government of the United States should retain its power and see that its high moral obligations to those Indians are carried out, and that they should not be forced into becoming a State. I am against the admission of Indian Territory as a separate State or as a State united with Oklahoma. Others differ with me, and they may be right; but I mean to say that the Government of the United States should retain there the power it now has, and see that those Indians are properly protected and not forced into statehood, when the Government could not have any control over the question of the sale of liquor, and all that.

INDIANS CONSENTED TO TREATY ABROGATION.

Mr. LONG. Does the Senator take the position that the treaties made in 1830, 1835, and 1856, providing the Indians should not be incorporated within the limits of any State or Territory without their consent are still in force?

Mr. BATE. I think they are for the present, sir, until the Indians have a fair opportunity to decide the question among themselves by tribes.

Mr. LONG. Did they not have that opportunity when they voted on the Atoka agreement?

Mr. BATE. I think not, sir.

Mr. LONG. Have not the Cherokees had that opportunity when they voted on their agreement?

Mr. BATE. The other day the Choctaws had an election on this very point, and out of 990-odd votes there were only 5 that voted in favor of uniting Indian Territory with Oklahoma.

Mr. LONG. I am aware that there are people there who would like to have a separate State for the Indian Territory, but when it comes to fixing the boundaries of a new State, as I shall show later, not only must the Territory to be included within the boundaries be consulted, but the other States of the Union. Congress and the Territory that desires statehood must act jointly in order to fix the boundaries. In the treaties the prohibition against incorporating the Indians into any State also applies to incorporating them into a Territory of the United States. The fact is these treaties have been abrogated long ago, abrogated with the consent of the Indians, that consent having been obtained at elections held at which every member of the tribes could participate.

Mr. BATE. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Tennessee?

Mr. LONG. Certainly.

Mr. BATE. The Senator seems to think there is no distinction between the power of the Government of the United States in a Territory and in a State. I say the Government of the United States has power over a Territory that it does not have over a State, and therefore, for the present, at least—until all these matters are settled, until the tribal relations are determined, until the land titles are settled—it would be better not to have the Indians made subject to a State government, but to have them kept in a Territory, because the United States Government has power over them in a Territorial condition.

GOVERNMENT RIGHTS NOT TO BE IMPAIRED.

Mr. LONG. I have already called the attention of the Senate to the fact that under this bill all the rights and powers which the United States now has in Indian Territory, so far as the property, lands, and other rights of the Indians are concerned, will not be impaired by this legislation. The authority of the Government over these Indians will not be limited or affected by including their lands within the boundaries of a State. They will still remain the wards of the Government.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. LONG. Certainly.

Mr. McCUMBER. Will the Senator allow me to ask him a question?

Mr. LONG. I will.

Mr. McCUMBER. The Senator has very eloquently described



not only the qualifications of the people of Oklahoma for statehood, but especially their grand prosperity and the probabilities for still greater prosperity there in the future, and has stated that in Indian Territory there are between six and seven hundred thousand white population and probably about 700,000 in Oklahoma.

I wish to ask the Senator, therefore, in connection with that statement, and considering their present population, taking into account also their natural resources, in climate, in the conditions of the country, if he does not believe that each of those two Territories could maintain a respectable State government, which would be a credit to themselves and a credit to the country?

The Senator has already stated that the people of each of the Territories would prefer to come in as a separate State, and if that is true and if they have the population and the future prospects, what objection can there be to admitting them as separate States?

#### OKLAHOMA DESIRES THE PENDING BILL.

Mr. LONG. I was just going to discuss the question as to whether the people of Oklahoma and Indian Territory are satisfied with this bill, which gives them one State instead of two, and, with the permission of the Senator, I will proceed to give the sentiment of the people of Oklahoma and of Indian Territory as expressed by them on this proposition.

Mr. McCUMBER. The question I put to the Senator was what was his opinion as to whether or not they could maintain respectable State governments separately, governments that would be a credit to themselves and to the National Government, and not what they themselves may wish.

Mr. LONG. I will state to the Senator that taking into consideration the peculiar conditions which exist in the Indian Territory, the lack of taxable lands, the conditions in regard to schools, and especially as Oklahoma consents, I believe it is the wisest and best policy to make one State there instead of two. If objection comes to this joinder, it should come from Oklahoma, where the conditions are superior, in every respect, to those existing in Indian Territory. If the people of Oklahoma consent to the joinder and ask that this bill be passed, I think the Senator from North Dakota and myself should vote to give them what they want.

I wish now to call attention to the expression of sentiment in Oklahoma Territory in favor of this bill. The governor, in his recent report to the Secretary of the Interior, has this to say:

Oklahoma should have statehood. It would be a matter of justice to grant it and a matter of injustice to longer withhold it. Seven hundred thousand citizens in this Territory are deprived of the rights of elective government. The people of Oklahoma have in the past demonstrated their capacity to govern themselves.

In his message to the legislature in January of this year he says:

Self-government is one of the things most highly cherished by every liberty-loving American citizen.

I call the special attention of the Senator from North Dakota to this statement of the governor:

The people of the Indian Territory want statehood. The bill now pending in the Senate of the United States offers what is wanted by both Territories. That bill should receive favorable action. It would be proper for this assembly to pass at once a joint resolution asking that statehood be conferred through the bill now pending in the Senate.

The legislature of Oklahoma passed such a resolution, and here are some of its provisions:

#### OKLAHOMA PETITIONS CONGRESS FOR THIS BILL.

To the Senate of the United States:

Whereas the population and the resources and qualifications of the people of Oklahoma and Indian Territories preeminently entitle them to immediate statehood; and

Whereas the Hamilton statehood bill, providing for the admission of said Territories into the Union as one State, has our approval: Be it therefore

Resolved, That the members of the council and house of representatives of the eighth legislative assembly of the Territory of Oklahoma do hereby indorse the Hamilton statehood bill and do, therefore, most earnestly pray, petition, and memorialize your honorable body to immediately pass said measure.

This is the sentiment of the people of the Territory of Oklahoma.

Mr. McCUMBER. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. LONG. I do.

Mr. McCUMBER. As the Senator directs his remarks upon that subject to me, may I not ask him this question:

Taking into consideration what he has already stated, that in his opinion the people of the Territory of Oklahoma prefer to come in as a separate State, that the people of the Indian Territory prefer to come in as a separate State, does not what the Senator claims is their acceptance of this bill simply mean that the desire to get into the Union is so strong on the part of the

people of Oklahoma that they will suffer Indian Territory to be attached to them and to come in as a State with them rather than not have statehood at all? It is not the wish to have Indian Territory attached, but simply the desire to get into the Union at that cost. Is not that the real motive?

Mr. LONG. The people of Oklahoma Territory have come to the conclusion that this measure is a just and wise one; that it has proceeded further toward legislation than any other bill that has been introduced for statehood for Oklahoma.

Mr. McCUMBER. Will the Senator yield just once more?

Mr. LONG. Certainly.

Mr. McCUMBER. The Senator says the people of Oklahoma have come to the conclusion that this measure is a just and wise one. From the information I get I do not draw that conclusion, but on the contrary they consider that it is not a wise one, but it is the best they can get, and therefore they will take it rather than take nothing.

Mr. LONG. They are satisfied with this measure. They petition you and me to support it. They want it enacted into law; and in my opinion if they are satisfied with the measure, no matter what considerations may have brought them to that position, it should be supported by us.

I desire to call the special attention of the Senator from North Dakota to this statement of facts:

The people of the two Territories have accepted the joinder as an accomplished fact. The bar associations of the two Territories have amalgamated, and in December last resolutions were adopted asking for the passage of a joint statehood act at the present session of the Fifty-eighth Congress. The Republican editors have united, forming the Interterritorial Republican Press Association, and that body has delegates here advocating the passage of the pending measure. The Democratic editors have taken the preliminary steps toward amalgamation. The bankers' associations of the two Territories have already united, and they have petitioned this body to give the two Territories joint statehood. The hardware and implement dealers, the dentists and the foundrymen, the retail coal dealers, the lumber dealers, and other numerous associations each comprise both Territories in their jurisdiction. The industrial and commercial organizations of the two Territories have a single federation. The Presbyterians have one synod for the two Territories. The Methodists have one conference for the two Territories. The Catholics and Episcopalians have a single diocese. The Scottish Rite Masons have a single consistory.

Mr. BEVERIDGE. Will the Senator permit me to add a statement here? As to most of the items which the Senator is citing in support of the proposition that these two Territories are naturally, socially, industrially, and religiously a unit, I will say the same conditions existed two years ago, and there are more forming all the time. The people have considered themselves one.

Mr. LONG. The Republican Territorial conventions of Oklahoma and of Indian Territory and the Democratic Territorial convention of Oklahoma of 1904 have gone on record for joint statehood. The Democratic convention of Indian Territory was unable to agree on the subject and no resolution touching the same was passed. Subsequently the executive committee took action for joint statehood.

That is the situation in Indian Territory and in Oklahoma. They want this measure, and they want it at the present session of Congress. They are entitled to statehood. They have the population requisite for statehood. They have the character of population requisite for statehood. They are entitled, as I stated before, by any test or standard that can be devised to admission into the Union.

What is the objection? Why can not an area such as this be accorded admission at once?

Mr. McCUMBER. The Senator, I assume, does not object to interruptions?

Mr. LONG. Certainly not.

Mr. McCUMBER. If I am in error the Senator can correct me.

The Senator says they have the population requisite for statehood, and that they have the character of population requisite for statehood. Let me ask him if they have not the population and the character of population requisite to statehood for each Territory separately?

Mr. LONG. The Senator is very generous.

Mr. McCUMBER. I always aim to be.

Mr. LONG. If he could say what kind of statehood they should have, and what he said would be done, it would be well for him to offer them two States. They are willing to have one. Is the Senator ready to give them what they want?

Mr. McCUMBER. As the question is directed to me, I will

answer it. I believe they want two States, and would prefer it if they could get it.

Mr. LONG. They say they want one.

Mr. McCUMBER. I say they wish two States, and I believe they should be granted two States. But whether they desired it or not, if they have the requisite population and the character of population and the opportunity for development and resources to justify me in the belief that each would make separately a good, respectable State, as I said, capable of conducting a State government separately, I would grant them two States, irrespective of their desire to get in as one, simply because they could possibly get in at this session as a single State.

Mr. LONG. The Senator says he would grant them two States. They would be very glad to take two States if it were in the power of the Senator to give them two States.

Mr. McCUMBER. I would be very glad if it was in my power to grant it.

Mr. LONG. The position of the Senator is something like this: He would grant them two States. He thinks they should have two. He would give them two if it were in his power to give. It is not in the Senator's power to give them two States; and believing that they should have two, he is unwilling to help to give them one. I believe that is the situation. One State is what they ask, and I say to the Senator that the people of those Territories, especially the people of Oklahoma, will appreciate more the help of the Senator to get one State now than his intention to give them two if he could do so.

Why, then, can not this bill be passed and authority given to the people of Oklahoma and Indian Territory to organize a State government? What objection can be made? The situation is peculiar. They have been unable to get their case considered on its merits. They have been unable to get Congress to consider the question whether statehood should be given to Indian Territory and Oklahoma. Bills have been introduced providing for statehood for Oklahoma and Indian Territory. They have gone to committees and have been reported in an omnibus measure in which other Territories are also included. That is the situation with respect to this bill. We not only have the consideration of statehood for Oklahoma and Indian Territory, but also the question whether the proposed State of Arizona should include the Territory of New Mexico.

#### THIS BILL FULLY CONSIDERED IN THE HOUSE.

The Senator from California [Mr. BARD], in the able speech which he made a few days since, gave the impression to the Senate that this bill had not received adequate consideration in the House of Representatives. He stated that the bill was introduced in the House of Representatives on the 4th of April, 1904; that it was reported back on the 9th; that it was taken up for consideration on the 19th; and, after three and a half hours' debate, was passed by the House of Representatives.

Of course, the procedure in the House of Representatives is different from what it is here, but the fact is that this bill which is now under consideration received long and careful consideration in the House of Representatives. Here [exhibiting] is a book containing 564 pages, and 175 pages comprise bills for statehood that were introduced and referred to the Committee on Territories of the House preceding the report on this bill.

Here [exhibiting] is another book containing 924 pages, and 780 pages contain the hearings that were had before the House committee on statehood bills, continuing from the 11th of December, 1903, to the 29th of March, 1904.

This bill, while introduced by the chairman, was really a committee bill, reported as a substitute for all other bills which had been introduced.

This bill was submitted to a Republican conference and was approved before its consideration in the House of Representatives. So it received long consideration before it came to this body; and the charge that it had not received adequate consideration before it came here can not be sustained by the facts.

#### UNITING ARIZONA AND NEW MEXICO NOT NEW.

The proposition to unite Arizona and New Mexico into one State is not new. In the Fifty-seventh Congress the proposition was made in the House of Representatives by an amendment offered by Mr. OVERSTREET, of Indiana, which provided that these two Territories should be admitted as one State. So this proposition is not a new one.

The question is whether it has merit; whether the conditions in these Territories are such that they should be united into one State. Fifty-two different bills have been introduced in Congress providing for statehood for New Mexico alone. Seventeen such bills have passed the House of Representatives. Thirty or forty favorable reports have been made on bills for statehood for New Mexico. Once such a bill passed both the

House of Representatives and the Senate, but failed in conference.

The promise made in the treaty with Mexico in 1848 that the Mexicans residing in the territory acquired by that treaty should be incorporated into the Union has been kept as to the Mexicans living in California. But that promise, so far as it relates to New Mexico and Arizona, has not been kept.

#### WHY NEW MEXICO AND ARIZONA HAVE FAILED.

Why during all these years have New Mexico and Arizona been refused statehood—New Mexico for fifty-four years and Arizona since 1863? Why are they the last to be given statehood? States with less geographical area have been admitted; why have they been denied admission? No one party is responsible for this, for different parties have been in control of Congress during that time. No other reason can be given than the insufficient population, but more, the character of that population. These, coupled with the fact that the resources of these Territories were not considered sufficient, have been responsible for them being denied admission.

If Senators wish to read a thorough discussion of the question, I refer them to the speech made two years ago in the Senate by the Senator from California [Mr. BARD]. He described the conditions which exist in Arizona as to sparseness of population and high per cent of illiteracy. He does not describe the conditions in New Mexico, but he says they are similar to those in Arizona. Senators need only to read this speech and the statistics it contains, collected from official sources, to understand why Congress for fifty-four years has failed to make good the pledge in the treaty with Mexico that the Mexicans should be incorporated into the Union.

Arizona has also had many bills introduced, but all have failed of passage.

These Territories not only have been unable to gain admission themselves, but they have retarded and prevented the admission of Oklahoma and Indian Territory.

Arizona was once a county of New Mexico. I believe the division of the Territory of New Mexico made in 1863 has retarded statehood for New Mexico. It was made then because of the inconvenience attending communication between the western portion of Arizona and the eastern part of New Mexico, where the capital was located. That objection has been removed. Two transcontinental lines traverse these two Territories from east to west—the Atchison, Topeka and Santa Fe Railway and the Southern Pacific. Other railroads are being constructed. Convenient and rapid means of communication between the people of the two Territories have been provided in recent years. They have failed for forty years to convince Congress that they should be admitted separately. I, for one, am willing to submit the proposition to the people of these Territories as to whether they want to be admitted together. This is a practical question. Let us meet it in a practical way. The fewer amendments that are made to this bill the better prospect there is of its being enacted into law. If it is amended in any important particular, it may mean its failure.

#### DUTY OF CONGRESS TO PRESCRIBE STATE BOUNDARIES.

The Senator from California [Mr. BARD] on the 6th of January made a speech, which I hold in my hand. Its title is "The autonomy of Arizona guaranteed forever." The position of the Senator is that because of a certain proviso contained in the act organizing the Territory of Arizona, Congress when it came to admit Arizona as a State, was pledged to retain the original boundaries of Arizona Territory.

I do not admit that the Congress of 1863 that passed the organic act of the Territory of Arizona could bind this Congress as to the area that should be included in the State of Arizona. It is the duty of this Congress to prescribe the boundaries for this proposed State of Arizona.

I contend that the boundaries of a new State are to be fixed by Congress and the people making the constitution at the time the State is admitted; and legislation enacted in organizing the Territory can not bind Congress in fixing the boundaries of the proposed State.

This is a proposition to admit the State of Arizona. The objection on the part of Arizona, as expressed by the Senator from California, is that in the admission of that State other territory—the Territory of New Mexico—is also included, and by doing that we violate a pledge made to the Territory of Arizona to include only the area that comprises the Territory of Arizona.

I do not believe that this is tenable. Washington was made a Territory with boundaries including the present States of Washington, Idaho, Montana west of the Rocky Mountains, and a portion of Wyoming. When it was made a State it had different boundaries from what it had when it was a Territory.



The usual provision in Territorial acts providing that nothing should be construed to prevent the division of the Territory or prevent Congress from attaching any portion thereof to any other Territory or State, was not in the act organizing the Territory of Washington. Notwithstanding the absence of this provision, Congress changed the Territory of Washington and made other Territories out of part of that Territory, and finally admitted the State of Washington with different territory than was contained in the Territory of Washington.

I think the power of Congress in the admission of States is very accurately described by Senator Harrison, afterwards President of the United States, in his report on the admission of Dakota, showing that Congress is not limited when it comes to make a State by what was done by Congress in making the Territories. This was a proposition the direct opposite of the one before us; it was a proposition to divide a Territory. The claim was made that Congress did not have power to divide the Territory and admit two States out of one Territory. Senator Harrison said:

It has been objected that there was no precedent justifying the movement on the part of any body of people less than the whole body of an organized Territory for the formation of a constitution and State government as the basis of an application for admission to the Union.

He next cites several precedents and then refers to Iowa:

In the case of Iowa the boundaries of the Territory, as organized at the time of the formation of the first constitution, embraced a large tract of country lying to the north of the present boundaries of this State and of the boundaries proposed in the first constitution. This constitution proposed to carve out of the limits of the Territory of Iowa a certain part thereof and organize it into a State. The boundaries, as proposed in this constitution, were not accepted by Congress, and the boundaries proposed by Congress were rejected by a popular vote. The second constitution, under which the State was admitted, proposed a new boundary different from either of these, being the present boundaries of the State, and this constitution was accepted and ratified by Congress.

In the light of these precedents and authorities, the committee conclude that no just criticism can be made of the proceedings taken by the people of South Dakota, nor of the methods by which they have brought their requests to the attention of the Senate.

In the light of what has been done by Congress heretofore, I do not think there is any pledge contained in the act of 1863 creating the Territory of Arizona that will bind or limit this Congress in making the boundaries of the new State.

Mr. CLAY. Will the Senator from Kansas permit me to ask him a question?

Mr. LONG. Certainly.

Mr. CLAY. The Senator has laid down the proposition that although in 1863 Congress divided the Territory of New Mexico and created the Territory of Arizona, and that act of Congress provided that Arizona should remain a Territory until admitted into statehood, it would not prevent this Congress from uniting the two. As a legal proposition, the Senator, I believe, is correct. If Congress in 1863 passed an act dividing these two Territories, undoubtedly, from a legal standpoint, we would now have the right to unite them; but if we passed such an act in 1863, creating the Territory of Arizona and pledging that it should remain a Territory until a State was created out of it, morally speaking, ought not Congress to stand by that former act of Congress?

Mr. LONG. I call the attention of the Senator from Georgia to the language which the Senator from California [Mr. BARD] claimed amounted to a pledge.

Mr. BEVERIDGE. Will the Senator pardon me before he does call attention to it?

Mr. LONG. Certainly.

Mr. BEVERIDGE. I remember, Mr. President, this portion of the argument of the Senator from California, particularly, and hope to advert to it hereafter. But the claim of a pledge was not in any language; it was an inference; and that inferential compact was not from any language, but was from a difference of language which had been employed in other organic acts from the language employed in this organic act. The novel position of the Senator from California was that the power of Congress given to us by the Constitution, plenary and absolute, was limited not even by a compact of words, but by an inferential compact, and that not even in words, but from difference of language.

Mr. CLAY. Will the Senator from Kansas permit me to say a word in reply to the Senator from Indiana?

The PRESIDING OFFICER (Mr. FOSTER of Louisiana in the chair). Does the Senator from Kansas yield?

Mr. LONG. Certainly; I yield.

Mr. CLAY. I think the Senator from Indiana will find out, for I know he has made the examination, that the people of Arizona residing therein sought a separate and distinct Territory on the ground that the two sections were too large to be united; and when the act was passed they asked that Arizona might remain a separate and distinct Territory until Arizona

should enjoy the privileges of statehood. The act creating the Territory of Arizona provided in substance that it shall remain a Territory until admitted to statehood. I agree that we have the legal and constitutional right to change it, but they sought the division on the ground that they desired to remain a separate Territory until statehood came, and now, morally speaking if not legally speaking, we ought to be bound by that act of Congress.

Mr. BEVERIDGE. With the permission of the Senator from Kansas, with reference to the implied compact contained in the language to which the Senator from Georgia has just referred, this bill meets it. This bill is within the language of that act, for Territorial government has been maintained there until we are about to erect it into a State. The act does not say a State by itself.

On the contrary, the language of the organic act, which is covered by the present proposed law, says that nothing in that act shall be construed to prevent Congress from changing the boundaries of Arizona at any time. The Senator will not contend for a moment that under that language we would not have the power in Congress, even under his implied moral agreement, to add a portion of New Mexico, and if we can throw the boundaries of Arizona around a portion of New Mexico we can throw it about all of New Mexico, even under the language of the act itself.

Mr. CLAY. I understand the act provides that Arizona shall remain a Territory until admitted to statehood. That clearly means that Arizona as divided from New Mexico shall remain a Territory until that Territory shall be entitled to the rights and privileges of statehood. It can not mean that the two can be united and hereafter admitted as one State. They were divided because the people of Arizona desired to be divided; it was too inconvenient to remain one Territory, and the very reason for which they sought to bring about the division was the fact that it was too inconvenient to travel hundreds of miles for the purpose of going to the capital. The thought was never entertained that they would be united hereafter.

Mr. LONG. It might be well, before the debate between the Senator from Georgia and the Senator from Indiana proceeds further, to read the provision in the Territorial act.

Mr. BEVERIDGE. That is an excellent suggestion.

Mr. LONG. This is the provision which the Senator from California claimed was a pledge by Congress that bound future Congresses to give Arizona statehood with the boundaries comprising the Territory of Arizona. The customary provision is there—that it should not be construed “to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it might deem proper.”

Then follows the provision to which the Senator refers:

*Provided further,* That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State, on an equal footing with the original States.

This is the provision which is claimed by the Senator from Georgia [Mr. CLAY] and the Senator from California [Mr. BARD] to bind this Congress, to limit us as to the boundaries that should be prescribed for the State of Arizona when it is admitted into the Union.

Now, in this bill to admit the State of Arizona those boundaries are enlarged, and instead of taking the boundaries of the Territory of Arizona, the area is also included which is now in the Territory of New Mexico. We are not bound morally, in my opinion, by that Congress in making the boundaries of the new State of Arizona. The boundaries of a State are made, not by Congress alone, but by Congress and the people living in the Territory affected by the legislation.

States may be admitted by the people in a Territory voluntarily getting together and forming a constitution, as was done in Kansas and Iowa, and submitting the constitution to Congress for approval. The first constitution that was submitted to Congress from Iowa was rejected on account of the boundaries. The constitution that was submitted by Kansas was finally approved, but those boundaries differed materially from the boundaries of the Territory of Kansas.

Action must be taken by Congress and the people. If Congress acts first, authorizing the making of a constitution, then the question must be submitted to the people of the Territory to say by a popular vote whether they will approve the constitution with the boundaries designated. If the people act first, it must be submitted to Congress to determine whether the constitution and the boundaries of the proposed new State are satisfactory.

It is within the province of Congress to say to the people of

Arizona, irrespective of what was contained in the Territorial act. "We will give you permission to organize a State with certain boundaries, different, it is true, from the boundaries of the Territory." It is within the province of the people living within those boundaries to approve the constitution or to reject it, and if rejected that is the end of the matter.

Mr. President, I wish to call the attention of the Senate to the way Congress is restricted in prescribing the boundaries of a new State. It is restricted, not by legislation organizing the Territories, but it is limited and restricted by the Constitution.

Mr. PATTERSON. May I ask the Senator from Kansas a question?

Mr. LONG. Certainly.

Mr. PATTERSON. I was not in when the controversy was on about the statement of the act creating the Territory of Arizona. I wish to ask the Senator in reference to the provision in the act creating the Territory of Arizona—

That said government shall be maintained and continued until such time as the people residing in said Territory shall, with the consent of Congress, form a State government, republican in form, as prescribed in the Constitution of the United States, and apply for and obtain admission into the Union as a State.

I ask the Senator whether it was not in the nature of a pledge, so far as Congress could make a pledge to the people of the United States, that so many of them as went into Arizona and invested capital in Arizona, or took up their residence there, could do so with the assurance that it would not be embraced in any other Territory unless with the consent and approval of the people who might be said to comprise the government of the Territory of Arizona; and is it not a breach of faith for Congress, now that 150,000 people have gone there depending upon this privilege and invested their money and settled their families, to say now: "You shall not be admitted as a State unless you consent to be admitted in connection with a Territory larger than yourself and with a population that differs very materially in important characteristics from the population of your Territory?" Is it not a breach of faith, is it not in the nature of the violation of a solemn agreement made by Congress in 1863 with the people of the United States who might, after it was erected into a Territory, move there with their families and with their property?

Mr. LONG. As I understand, the Senator from Colorado takes the position that Congress in 1863, when it passed the Territorial act, fixed the boundaries of the future State of Arizona, and that part of this statehood legislation was taken from subsequent Congresses, and consequently from us?

Mr. PATTERSON. What I mean is that it substantially fixed the boundaries—

Mr. LONG. That is what I say, substantially.

Mr. PATTERSON. It substantially fixed the boundaries of the future State of Arizona. At least it said this much, that whatever may be the area of the Territory of Arizona, "when application is made for admission you shall be admitted with the consent of the people of that area," and they shall have a right to vote upon it, and they shall have a right to determine whether they will be a State with the area as it exists at the time the application was made."

It is in direct conflict with the proposition that a Territory larger than itself should be added to it, and it forces it into statehood with that additional Territory without the desire and against the consent of the people of Arizona Territory. That is what I contend.

Mr. LONG. Then the controversies between Congress and the people living in certain areas of the United States as to the boundaries of a proposed new State, to which I referred before the Senator came in, could all have been avoided if in the organization, say of the Territory of Iowa, a provision had been placed that the people of Iowa should be permitted to continue as a Territory until they made application and were admitted as a State. Such controversies as have come up before between Congress and the people living in the proposed area of the new State could have been avoided by a provision similar to that which is contained in the act for Arizona Territory.

Mr. PATTERSON. Mr. President, I call the attention of the Senator from Kansas to the significant fact that the provision which I have just read is the only provision of its kind found in the enabling acts of any of the Territories. The enabling act for the admission of Kansas and Nebraska, passed in 1854, like all other enabling acts, provided that the Territory might be divided into two States.

Mr. LONG. And it was so divided. If that had not been done, and the Senator lived where he does now, he would be a citizen of Kansas.

Mr. PATTERSON. And it was divided by virtue of the ex-

press provision contained in the act establishing the Territory of Kansas, or, at least, the enabling act contained a provision expressly prohibiting a thing of that kind. The act for the creation of the Territory of Arizona was adopted on the 24th of February, 1863, and, as I have said, it is the only act that contains a provision of the kind I have suggested. Just a few days afterwards, on the 3d of March, the act for the creation of the Territory of Idaho was adopted by Congress, and yet we find no such provision in that act. On the contrary, in the Idaho act we find substantially the provision that is found in the act creating the Territories of Kansas and Nebraska.

Must there not have been a reason to induce Congress to place in this Arizona act this peculiar and single provision, single to that act, and found in no other Territorial act? It stands out alone, prominently and boldly. If there was a reason—and there certainly was—for what other purpose could it have been placed there except to guarantee that those who entered that Territory should live in that Territory until it became a State in accordance with the will of the majority of the people of that Territory?

If that was not the purpose, will the Senator from Kansas enlighten this body as to what the purpose could have been? It is significant; it stands alone. But four or five days thereafter another enabling act, that for Idaho, was passed, in which no such provision is found, and in which the usual and ordinary provision is inserted. This was not idle; it was not a mistake; it was done for a purpose; and I ask the Senator when, without consulting the people of the Territory of Arizona alone by themselves, you undertake to annex them to a Territory larger than their Territory, to a population larger than their population, that will absorb them and control their political, civil, and industrial life, are you not going right in the teeth of the pledge made by Congress to the people of the country at the time of the passage of this enabling act?

Mr. LONG. I am unable to inform the Senator what the purpose was in inserting that provision in the organic act. I can state what the purpose was not. It was not the purpose of Congress, and it did not have the effect, to amend the provision of the Constitution which provides for the limitation that is placed on Congress in the organization of new States. Let me call the attention of the Senator from Colorado to the constitutional provision, Article IV, section 3, which reads:

New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States or parts of States without the consent of the legislatures of the States concerned as well as of the Congress.

If Arizona and New Mexico were States, Congress would not have the power to combine them and make one new State to be called "Arizona."

Mr. BEVERIDGE. Without their consent.

Mr. LONG. Without the consent of their legislatures. The Senator from Colorado takes the position that if in the act creating the Territory there is a pledge to retain the same boundaries in the State then Congress can amend this provision of the Constitution and say that not only can not a State be made by the junction of two or more States, but two Territories can not be joined if the organic act of one of them contains the pledge not to do so.

Mr. PATTERSON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Colorado?

Mr. LONG. Certainly.

Mr. PATTERSON. Mr. President, I do not suggest that Congress may not at will entirely disregard this provision. There is nothing that one Congress can do that binds the hands and action of a subsequent Congress in dealing with the territory of the United States.

Mr. LONG. Does the Senator claim—

Mr. PATTERSON. One moment.

Mr. LONG. Does the Senator claim that in fixing the boundaries of the proposed new State of Arizona this Congress is at all restricted or limited in its power?

Mr. PATTERSON. Legally speaking, I would say not, but morally speaking it is most strongly bound—bound in a most ideal way.

As I was saying, I do not contend that one Congress can bind another Congress in a matter of this kind as a legal proposition, but as a moral proposition it lies with the members of subsequent Congresses whether they will observe a solemn pledge made by a previous Congress, upon the strength of which pledge thousands and tens of thousands of the people of the country have changed their situs and have invested their money.



Mr. LONG. Mr. President—

Mr. PATTERSON. One moment. If this provision means anything, it means what it says; and what is it?

That said government—

That is, the government that was then being created—

shall be maintained and continued until such time as the people residing in said Territory—

The Territory of Arizona—

That said government shall be maintained and continued until such time as the people residing in said Territory shall \* \* \* apply for and obtain admission as a State.

Mr. LONG. They have applied for admission, but Congress, instead of fixing the same boundaries as the Territory, includes other territory.

As I understand the Senator, he claims that Congress now morally—not legally, but morally—has not the right to change those boundaries or designate the boundaries—that that part of the statehood legislation is taken from this Congress by the pledge of a Congress that existed forty years ago.

Mr. PATTERSON. I suppose, Mr. President, we may accept it as true that the people of Arizona have applied for admission into the Union as a State. But the people of Arizona have applied for admission into the Union of their Territory as a State, not for admission into the Union in association with the people of New Mexico.

Mr. LONG. I will ask the Senator—

Mr. PATTERSON. They have not applied for admission into the Union in connection with an area of territory and a population much greater than their own, but they have applied for admission into the Union with the Territorial limitations marked out in the act of 1863.

Mr. LONG. And Congress in this bill modifies and changes the boundaries that they suggest in their application for statehood.

Mr. PATTERSON. One moment. As I suggested a little while ago, ever since 1863 there has been a practical pledge, so far as Congress in that year could make it, that if the people of the country would move into Arizona, taking with them their families and their property, make that Territory their home, and invest their money there, they would, when the proper qualifications existed, be admitted into the Union as a State. I say that morally—

Mr. LONG. And that the boundaries of the new State were settled forty years ago?

Mr. PATTERSON. I have never said it was legally settled.

Mr. LONG. Morally settled, then.

Mr. PATTERSON. Yes; I said it was morally settled; that the boundaries of Arizona were practically settled.

Mr. LONG. And morally settled?

Mr. PATTERSON. And morally settled.

Mr. LONG. But not legally settled?

Mr. PATTERSON. Not legally settled.

Mr. LONG. I understand the Senator.

Mr. PATTERSON. So far as the promise made by Congress in the most solemn form to the people of the country could settle it and could fix it; but now, after the people of the country have acted very largely upon the pledge made by Congress—have taken that Territory in its wild, uncultivated, and uninhabited condition and made it fit to become a State in the Union—relying upon that pledge upon the part of Congress, Congress proposes to say, "We are not bound by that pledge; there is no legal obligation resting upon us to observe it; we may totally disregard it, and we may engulf your Territorial limits and your population with other territory and other people until you are practically eliminated, and thus hold you for all time to come." That is what we complain of.

Mr. LONG. I think I understand the Senator's position, and it is this: That Congress is bound to adopt the original boundaries of Arizona, notwithstanding the proviso preceding the one to which the Senator refers, which is—

That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

That is, any Congress subsequent could divide the Territory of Arizona and make two Territories or four Territories out of it, but that when it came to form a State it must take the original boundaries of the Territory of Arizona. That, I understand, is the Senator's position.

Mr. PATTERSON. No, Mr. President; that is not what I said.

Mr. LONG. No; you did not say that, but that is the effect of what you said.

Mr. PATTERSON. Oh, well, there is a wide difference be-

tween what the Senator from Kansas construes as the effect of what I said and what I might mean. Taking both provisions together, Mr. President, I construe the act to mean, as it was proclaimed in this act to the people of the United States, that Congress carves out of this territory acquired from Mexico this area that we call Arizona; Congress will give it a Territorial form of government, and under that Territorial form you will have a certain kind of government until you are ready for admission as a State.

Mr. LONG. But Congress could divide it.

Mr. PATTERSON. One moment. The proviso is—

That nothing contained in the provisions of this act shall be construed to prohibit the Congress of the United States from dividing said Territory or changing its boundaries in such manner and at such time as it may deem proper.

Mr. LONG. It may change the boundaries of the Territory.

Mr. PATTERSON. I will read the other proviso:

*Provided, further,* That said government shall be maintained and continued until such time as the people residing in said Territory shall \* \* \* apply for and obtain admission into the Union as a State.

What I mean is this: Taking both provisos together and reading it all in all, Congress said to the people of the country "Arizona will remain substantially as it is now"—

Mr. LONG. No.

Mr. PATTERSON. And you shall—

Mr. LONG. Congress could divide it, and make four Territories.

Mr. PATTERSON. Yes, I know; but when you read the last proviso, which certainly limits, if it does not control, the first, it limits the operation of the first proviso. When Congress said, notwithstanding the first proviso, that the government shall be maintained and continued until such time as the people residing in this Territory shall apply for and obtain admission into the Union, it meant something.

I do not care about quibbling over this matter. What I contend is this, in brief—and then I shall not interrupt the Senator further—that reading that entire first section together it would be equivalent to a promise by Congress to the people who might move into that Territory that its boundaries would remain substantially as they were, and that they would thus continue until they applied for admission as a State into the Union. When you undertake, against their will, without consulting the people, without giving them an opportunity to be heard, to involve them with another Territory larger than their own, with another population greater than their own, differing materially in their civilization, in their habits of life, in the character of their enterprises and investments, literally wiping them out of existence as a separate entity, you are guilty of a moral wrong upon every man and woman who went to that Territory or who invested a dollar in it. You have the power to do it, you may do it legally; but no lawyer can read that section, and certainly no layman can read that section, without reaching the conclusion that I have suggested. It is against that wrong, in behalf of the people of Arizona who went there in the light of this pledge, that I protest against coercing the people of Arizona into this association with the people of New Mexico.

Mr. LONG. May I ask the Senator a question before he takes his seat?

Mr. PATTERSON. Certainly.

Mr. LONG. Under the first proviso, reserving to Congress the power of "changing its boundaries in such manner and at such time as it may deem proper," has not Congress the power to add to the Territory of Arizona all of the Territory of New Mexico, and make one Territory of the two? Is the Senator's argument that, while subsequent Congresses had the power to change the Territorial limits of the Territory of Arizona, so that it would include all of New Mexico, yet when Congress came to make a State of Arizona it would have to go back to the original boundaries of the Territory of Arizona? Is not that the effect of the Senator's argument?

Mr. PATTERSON. No, Mr. President, that is not the effect. My notion of the reason for the insertion of this clause in the act creating the Territory of Arizona is this: The part that was left as New Mexico contained the great bulk of the population that came with the Territory of New Mexico to the United States by virtue of the treaty of Guadalupe-Hidalgo. I suppose that 95 per cent of the Mexican population that inhabited the ceded territory were retained within the limits of what is now the Territory of New Mexico, and when it came to dividing the territory into two Territories, setting apart Arizona practically as virgin territory, uninhabited and undeveloped, those who had in charge the measure saw the possibility of reuniting those two areas, and, as well as they could, provided against it. The people of Arizona had in mind this: "When we have a population in the new Territory of Arizona sufficiently great to admit us

as a State into the Union, we do not want to be forced against our will into union once more with New Mexico, which contains a population from which we were divorced." For that reason, to save them from the very thing that Congress is now attempting to inflict upon them, Congress inserted this provision in the act creating the Territory of Arizona. I can think of no other reason.

Therefore, Congress can not avoid the moral obligation it assumed by annexing New Mexico to Arizona, by enlarging the boundaries of Arizona with New Mexico, and calling it "Arizona." The offense would be yet the same; the contract would be just as greatly violated. It meant, it seems to me, no other thing than what I have suggested.

In using this language Congress probably recognized that it could not absolutely bind future Congresses, but it did propose to bind future Congresses in so far as placing a moral obligation upon future Congresses to observe the pledge that it had made to the people who would go into that virgin area to rescue it from its condition of wilderness and fit it to become a State in the Union. If there ever were a people entitled to have a pledge observed and religiously followed it is the people of Arizona, who entered an area perhaps wilder, more mountainous, and more difficult of subjugation than almost any other area in the country, and improved it until it stands ready for admission, and now asks Congress to redeem its pledge.

Mr. LONG. Has the Senator finished his question?

Mr. PATTERSON. I was answering a question propounded by the Senator from Kansas.

Mr. LONG. The answer is very extensive. The position of the Senator from Colorado is that Congress in 1863 restricted future Congresses and amended the Constitution.

The Constitution provides:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.

This provision is unlimited. The contention of the Senator in effect limits the provision in regard to the admission of States, making it that Congress is prohibited from uniting two States, or making a new State out of the territory of another State, or uniting two Territories where there has been a certain pledge in the organic act of one of them.

My interest in the part of the bill pertaining to Arizona and New Mexico is subordinate to my interest in the part of the bill relating to the new State of Oklahoma. I would not do injustice to the people of Arizona and New Mexico in order that justice might be done to Oklahoma and Indian Territory.

If this bill contemplated the joinder of two States, it could not be done without the consent of the legislatures of the States concerned, but being Territories we are unrestricted and untrammelled.

SHALL SUPPORT THE PROPOSITION FOR THE STATE OF ARIZONA.

I shall support this bill. It proposes to create the State of Arizona, which, while large in area, is 30,000 square miles less than Texas.

Its population, while insufficient and meager, yet I believe will increase under the stimulus that goes with statehood.

Its resources are not sufficient at this time, but they, I hope, will develop and increase.

In the formation of new States mutual action is required.

The Territory can not force Congress to give the kind of statehood that it may desire.

The people of the Territory petition Congress for statehood.

Congress may refuse it, as it has refused New Mexico for fifty-four years.

Congress may grant statehood and impose the conditions and restrictions.

Congress has never done so for New Mexico or Arizona separately.

After Congress imposes the conditions the people of the Territory asking for statehood may decline to accept the conditions and prefer to retain the Territorial government.

This is the province and privilege of the people of the Territory affected.

We may pass this bill and the constitution authorized to be formed may be rejected by the people of the State.

I am willing to try the experiment.

I believe that it is better to make one grand State than two weaklings.

There is not an inhabitant of the Lone Star State who is not proud that he is a citizen of that imperial Commonwealth, and although there was a reservation in the act of admission, permitting the organization of five States within her geographical limits, yet in sixty years there has been no serious effort made by the people of that State to avail themselves of this privilege.

This bill gives statehood to all the territory in the continental Republic.

#### THE END OF STATE BUILDING.

We have reached, I believe, the end of State building if this bill shall pass. It is probable that no other States will ever be admitted into the Union. We are about to add two new stars, the last, I believe, that will ever be placed on the flag of the Republic.

In the one hundred and thirteen years since we have admitted the first State, we have made a record to all of which we can not point with pride. All will admit that during that time, in the admission of the thirty-two States, there have been some admitted through peculiar political exigencies that were sufficiently weighty with Congress to cause their admission, that could not be admitted now if the proposition was presented to us at this time, disassociated with the political environments and surroundings that then clouded the situation. What mistakes were made can not be unmade.

A State once admitted into the Union is here forever; is here as long as the Republic endures.

If this bill passes, and the people of these Territories avail themselves of its provisions and adopt constitutions that are republican in form, those who come after us will never have cause to criticise us for admitting the States of Arizona and Oklahoma.

Arizona, with her 235,000 square miles of territory, with two Members of Congress and possibilities yet undeveloped, will undoubtedly make not so great a State as Texas or California, but will excel other States that will be her immediate neighbors.

#### OKLAHOMA WILL BE A PEERLESS STATE.

But think of the greatness of the proposed State of Oklahoma! It will contain about 70,000 square miles, somewhat smaller than Kansas or Nebraska, but somewhat larger than Arkansas or Iowa, and about the same size as Missouri.

When its Senators are admitted to this Chamber it will have a million and a half of people and entitled to seven Representatives, instead of five, as provided by this bill.

It will contain a progressive, thrifty, energetic class of citizens, who in a few years will make it one of the great, grand Commonwealths of the Union.

Indian Territory and Oklahoma are entitled to statehood now, at this session of Congress, and no differences on other provisions of this bill should cause this Congress to omit to give statehood to Oklahoma and Indian Territory. It will be a State that will always be a source of pride and gratification to those who have assisted in its making, for from the very day that it is admitted, as long as the Republic shall endure, it will be ready and willing to discharge all the obligations of statehood and do its whole duty in the sisterhood of States.

Mr. FORAKER. Mr. President, I had intended all afternoon to make some remarks on the bill now under consideration, but the hour is so late and in view of requests Senators have made of me, I prefer to speak Monday rather than to go on at this time.

Mr. BEVERIDGE. I do not want to interfere with the Senator from Ohio [Mr. FORAKER], but at the time of fixing a day for voting it was stated and understood that on Monday some Senator on behalf of the committee would be permitted to close the debate. In view of the fact that the court convenes at 2 o'clock on that day and will consume some time, but a very brief time will be left for the committee to close the debate. We have on our side made very few speeches, and, of course, it is the right of the committee—and I know the Senator from Ohio recognizes that fact—to close the debate.

Mr. FORAKER. Certainly. I will state, however, I was not here when that agreement was made.

Mr. BEVERIDGE. That was the agreement.

Mr. BATE. May I say a word?

Mr. FORAKER. If the Senator from Tennessee will allow me—

Mr. BATE. Certainly.

Mr. FORAKER. I have been here all afternoon hoping that I might have an opportunity to speak, but the whole afternoon has been occupied by the other side. I am not in opposition to this bill, but I favor some amendments to it. The amendment that I particularly favor relates to New Mexico and Arizona, and I want to speak in behalf of that amendment. So far as the rest of the bill is concerned, I have no objection.

The PRESIDENT pro tempore. Under the unanimous-consent agreement the entire day Tuesday was to be devoted to the discussion of the amendments.

Mr. FORAKER. I understand; but I want to say to the Senator from Indiana that I do not wish to speak at any very considerable length—perhaps thirty minutes, or possibly an hour if I am interrupted.

Mr. BATE. Mr. President, I desire to say a word right there. I want to say that it was stated when the agreement was made



that the Senator from Ohio desired to speak, and that he would be here and speak to-day. That was understood. I have mentioned it myself once or twice to the Senate. The Senator from Ohio returned yesterday, after an absence of some days, and was prepared to speak to-day, but one on the other side, the Senator from Kansas [Mr. LONG], has occupied the entire day from 2 o'clock until now.

Mr. BEVERIDGE. The Senator from Colorado [Mr. PATTERSON] occupied part of the time.

Mr. BATE. That was an interruption. The Senator from Ohio certainly has the floor and has the right to speak on Monday. We do not want to curtail the opportunity or the time for the Senator from Indiana to conclude the debate on this bill, but the agreement to take the final vote was made with the understanding that those on the other side of this question did not intend to speak. The Senator from Indiana had been over here constantly asking that somebody opposed to the bill should speak, and Senators on our side have spoken. Now, at the very conclusion, when we have got an agreement to vote, and after a Senator on the other side has consumed the entire afternoon, the Senator from Indiana comes in and asks for the balance of the time on Monday. I do not think that is a fair request. I think there ought to be an equal division of the time on Monday between the two sides.

Mr. FORAKER. Mr. President, I should think there would be time enough for the Senator from Indiana to close the debate on Monday after I had occupied an hour. That is as long as I shall wish to speak.

Mr. PATTERSON. There was nothing in the unanimous-consent agreement that gave Monday to the advocates of this measure.

In private conversation, if I may be permitted to refer to it, the most the Senator from Indiana claimed was the right to close the debate, and in speaking upon that subject to me he said something about thirty or sixty minutes.

Mr. BEVERIDGE. Oh, no.

Mr. PATTERSON. Then I take it back, because I will not have any controversy over a personal matter with the Senator from Indiana. So what I said upon that subject may be considered as unsaid. But I am quite within the bounds when I say that nothing was said that would give Monday to either side of this question.

Mr. BEVERIDGE. Upon the contrary, the Senator will find by referring to the Record that it was stated that either the chairman of the committee or some person upon behalf of the committee, as is usual—a right which never has been denied—would expect to close the debate.

Mr. PATTERSON. Nobody is denying it now.

Mr. BEVERIDGE. I should hope the committee would be permitted to close the debate upon Monday. For a great many weeks this debate has continued here, and until within the last few days there has been but one speech made in support of the bill. The opposition to the bill has had a monopoly of the time for four or five weeks. We have had only four or five days, and I am surprised that any person should suggest that the committee, no matter if we had divided the time equally heretofore, but especially under the circumstances, ought not to be allowed the right to close the debate.

Mr. BATE. Everybody concedes it.

Mr. BEVERIDGE. Everybody concedes it?

Mr. BATE. I say it is conceded. We are not here disputing that the right to close the debate is with the Senator or whoever he chooses to have close it, but we want to have a fair division of the time.

Mr. BEVERIDGE. A fair division of the time. Yesterday might have been taken up by the Senator from Ohio. If it had not been for the interruptions of the Senator from Colorado [Mr. PATTERSON], who not only asked questions, but interjected lengthy and I will say forcible speeches into the speech of the Senator from Kansas [Mr. LONG], there would be abundant time now. No person has been shut out of an opportunity here. I simply claim for the committee what I understand from older Senators has been the universal right in this body, that the committee or some person on behalf of the committee shall have the right to close the debate. Even in the debate on the unanimous-consent agreement, and this confirms what I say the Record will disclose, it was stated that the debate shall close on Monday. It was suggested, by the Senator from Texas I believe, that we should give both Monday and Tuesday to consideration of the amendments, and then after a little further discussion, in which the Senator from Maryland [Mr. GORMAN] participated, and also the Senator from Colorado [Mr. PATTERSON], it was said, "No; we will give Monday to closing the debate, and Tuesday, after the reading of the Journal, we shall begin to consider amendments, debate them,

and vote on them." That is included in the agreement that Monday should close the debate.

Mr. PATTERSON. The Senator from Indiana will hardly contend that when it is agreed by general consent that the debate shall close at the end of a certain legislative day it means that the friends or the opponents of a measure are to have that entire day. I have never before heard that suggested, and simply because we are here now asking that one of the eminent Senators of this body, or more if they should desire to make short addresses, may occupy a part of that day, giving to the Senator from Indiana the right to close, the Senator from Indiana is talking about the right to close and that we are denying to him that right. It is an absurdity upon its face.

The legislative day commences at 12 o'clock. There is no limit to the end of the legislative day, and as this very interesting question is about to be disposed of, if it be required that that session should continue until 6 or 7 o'clock in order that the Senator from Indiana may close the debate, there is not a Senator here who would be heard to object. So there is no reason why the extraordinary position that is assumed by the Senator from Indiana should be taken upon this very plain proposition, made in the best of faith. Now, then, I would suggest—

Mr. BEVERIDGE. The Senator will permit me?

Mr. PATTERSON. One moment.

Mr. BEVERIDGE. When you get through.

Mr. PATTERSON. I suggest that the session commence on Monday at 11 o'clock, and if it becomes necessary there can be a very, very long session.

Mr. BEVERIDGE. It is not necessary.

Mr. FORAKER. I wish to inquire what has become of my request?

The PRESIDENT pro tempore. What was the request of the Senator from Ohio?

Mr. FORAKER. I requested that I be allowed to proceed with the remarks I desire to make on the statehood bill on Monday instead of this afternoon. But inasmuch as there was objection to that, I sent a messenger after my notes and made a chase for them myself and have now returned. I now have everything here, although somewhat in confusion, and I can go on if that is the desire.

I recognize the right of the Senator from Indiana to close the debate on Monday, and I do not want to interfere with that right.

Mr. BEVERIDGE. The Senator from Ohio will understand that I have no desire to compel him to speak to-day if he does not wish to do so. All I was calling the Senator's attention to, as the Record will show, was the fact that it was generally understood here, and it was stated in the discussion concerning the fixing of the time of closing the debate, that debate should be closed on Monday. That is in the agreement, and the statement was made, and it was universally understood, that the committee, or some one for the committee, would close the debate Monday. That was all.

Mr. FORAKER. If no such statement had been made, I should have regarded that as the right of the Senator.

Mr. BEVERIDGE. Of course, and upon that statement, that the Senator recognizes the right, no doubt there could have been some agreeable arrangement between the Senator and me for the committee by which the Senator would have spoken on Monday instead of now, if he so desired, and by which the committee might also have had ample time in which to close the debate. I see no reason now why that arrangement should not now be made, the Senator speaking in the morning hour Monday, or if the Senator—

Mr. PATTERSON. I should like to ask the Senator from Indiana a question. It is a matter that ought to be cleared up now, in the event of future unanimous-consent agreements. Is it the understanding of the Senator from Indiana that when in a unanimous-consent agreement it is said debate will close on a certain day, the debate to be closed by the proponents or opponents of a measure, the one side or the other shall consume that entire day? Is that the understanding of the Senator from Indiana with respect to such a unanimous-consent agreement?

Mr. BEVERIDGE. Mr. President, I want to be entirely courteous to the Senator from Colorado. I understand this to be the case. I should not think so. I think when the day came for the closing of the debate, at the time when the unfinished business was laid before the Senate, some person on behalf of the committee would rise and address the Senate until that person had concluded his remarks. It might be an hour; it might be two hours; it might be thirty minutes. After that the time of the Senate, of course, would be at the disposal of the Senate. Any other Senator might speak if he desired; but even so, some one should even then close for the committee.

Mr. PATTERSON. Oh!

Mr. BEVERIDGE. But if a Senator from the other side should take on that day an hour or an hour and a half or two hours, there would be no time left. And in any event some one should make the final speech for the committee after all speeches are made. But why not arrange for the Senator from Ohio to go on Monday?

Mr. FORAKER. If I am to speak at all this afternoon, I should like to be permitted to proceed.

Mr. ALLISON. I wish the Senator from Ohio would yield to me for a moment.

Mr. FORAKER. Certainly.

Mr. ALLISON. I have been present a great many times when unanimous-consent agreements have been made, and also when the intimation had been given privately—for I think it has never entered into the public arrangement—that those having the measure in charge should close the debate. I do not understand the Senator from Indiana to contend at all that the whole day is to be devoted to that purpose. I was not present when this agreement was entered into, but if I understand the scope of it, it is that the last day shall be devoted to ten-minute speeches and to voting on amendments.

Mr. PATTERSON. That is Tuesday.

Mr. ALLISON. On Monday, so far as we now know, we will meet at 12 o'clock. We will meet as a court at 2 o'clock. I think very likely the business of the court will be brief. I hope it will be, in view of the unanimous-consent agreement that we now have.

I suggest that on Monday the unfinished business be taken up in the morning hour after the ordinary routine business, and that it shall be proceeded with, only interrupted by the meeting of the court, until the day is ended. I hope that it will end at least by 6 o'clock.

Mr. BEVERIDGE. May I ask what the suggestion was?

Mr. ALLISON. I had not quite finished it. I think that being so, there will be ample time for the Senator from Ohio, if he does not wish to go on this evening, to say all he desires to say, and it will also give time for those who favor this measure to close the debate.

So, Mr. President, I hope unanimous consent will be given that the Senator from Ohio may proceed on Monday, and that we shall take up this question immediately after the routine morning business on that day.

Mr. BEVERIDGE. After conference with the Senator from Ohio I was myself about to make that very request.

Mr. ALLISON. Very well.

Mr. BEVERIDGE. And not only that, but if the convenience of the Senate or of the Senator from Ohio would be accommodated, that he should go on at 2 o'clock instead—whichever will at the time be most agreeable to him. After he gets through some one on behalf of the committee will close the debate.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be taken up for consideration immediately after the conclusion of the morning business on Monday. Is there objection? The Chair hears none, and that order is made.

Mr. FORAKER. I understand I have the floor.

The PRESIDENT pro tempore. The Chair will recognize the Senator at that time.

Mr. FORAKER. By virtue of the unanimous-consent agreement?

Mr. BEVERIDGE. That is right.

Mr. BAILEY. Of course I did not interrupt the arrangement and would not have done so, but it occurs to me, while there is no majority and minority on this bill divided by political lines, it might happen that somebody over on this side would desire to make a speech. Of course if the Committee on Territories feel that three or four hours are required for them to close the debate, I should recognize their right to have the time. But I simply want to serve notice that if that happens to be the case, when we enter upon the debate under the fifteen-minute rule on Tuesday I shall prefer a request to the Senate to be permitted to proceed for at least twenty minutes sometime during the course of the debate.

Mr. President, if it is in order—and I do not know that the custom of the Senate permits a Senator to prefer a request of that kind—

Mr. ALLISON. It does, and I have no doubt it will be granted.

Mr. BAILEY. Then there will be no trouble about my finding an opportunity to say all I desire to say.

Mr. BEVERIDGE. I suggest that I do not think there will be the slightest trouble about Senators who desire to speak on either side making such an arrangement as will appeal to the good sense of the Senate.

Mr. BAILEY. I do not know positively that I shall want to occupy even twenty minutes.

Mr. President, if it is in order now, I want to enter a motion to strike out, on page 6, the fifth provision, which reads:

That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude.

I move to strike that out, it is useless for me to say, because it is in the very words of the fifteenth amendment to the Constitution, and no State could enact any law of that kind independently of this provision.

I also desire to enter a motion to strike out, on page 5, beginning with the word "that," in line 23, and including all the remainder of the paragraph down to and including the word "use," in line 4, on page 6. The matter which I propose to strike out is as follows:

That land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the land belonging to residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use.

I make that motion for practically the same reason that induced me to make the other. The State could not, without reference to that limitation on its power, lay a different or higher rate of taxation upon the property of a citizen of another State than it levies upon the property of citizens of its own; and, of course, there can be no kind of difference about the fact that no State can impose a tax upon Federal property. That question has been considered and decided by the Supreme Court.

I understand perfectly well that it may be contended that these provisions do no harm, if they deny the State a power which it would not possess even without their insertion in the constitution, but they at least encumber that instrument, and the practice of writing into constitutions in this country, both State and Federal, unnecessary matter is a bad one. If I had my way I would make every constitution of every State in this Union short enough so that every intelligent schoolboy could memorize it within a reasonable time.

Mr. KEAN. Then the Senator would copy the constitution of the State of New Jersey.

Mr. BAILEY. There was at one time some question in this country probably as to the power of the State of Arkansas, we will say, to lay a higher tax upon land belonging to a citizen of Texas than she laid upon land belonging to her own people, but whatever doubt there was about that matter has disappeared through the adjudication of the court.

I do not myself distinctly recall that that precise question has ever been presented to the Supreme Court of the United States, but I know the Supreme Court of the United States has decided in a Maryland case that no State in this Union can exact a higher license fee from citizens of other States than she exacts from her own citizens; and I well remember that in that case the court declared that it was one of the rights and privileges and immunities for the citizens of New Jersey, of which State I believe the defendant in that case was a citizen, to acquire and hold real estate and other property in the State of Maryland, and it was not permissible for the State of Maryland to lay greater burdens upon their ownership than it laid upon the ownership of her own people.

This is simply copied from constitutions that were adopted probably seventy years ago, before that question arose, and before it was adjudicated by the court, for as I now recall this Maryland case was decided in the early seventies. A provision similar to this, as I remember it, is in the constitution of the State of Arkansas, admitted in 1836. It is reproduced, probably, in the constitution of Wisconsin, or in the enabling act for Wisconsin. But it is time that the Senate of the United States should cut out this unnecessary matter in enabling acts. It is calculated to mislead men if it remains. A citizen of the new State, taking up this enabling act and finding the legislature of that Commonwealth forbidden to do certain things, would naturally, and, as I think, properly, infer that without this prohibition that power would reside in the State. There are in several instances matters of this kind in the bill which I hope the committee will agree may go out. Such matter has no excuse for being in, except that the committee are following a bad precedent.

Another amendment which I desire to propose at this time is to strike out, on page 4, line 6, beginning with the word "and" and all that follows down to and including the word "ten," in line 8. The matter to be stricken out is this:

And shall not be changed therefrom previous to anno Domini nineteen hundred and ten.

This relates to the location of the capital of the State of Oklahoma. I object to the Federal Congress locating the capital of that State for four years or four months or four hours be-



yond the time when those people acquire their sovereignty. It is the custom in some States to fix the capital, and even other State institutions, in the constitution when they frame it. I believe that is the case in one of the Dakotas—that they fixed their capital in the constitution—and they have had less trouble over the location of their public buildings in that way than almost any of their neighbors there.

The location of a capital, like the location of a county seat, produces more bad blood among good neighbors than any kind of a controversy that can be provoked. But still I do not think it the province of Congress to spare those people the responsibility, because in doing so you deny them the right to locate that capital precisely where they choose to have it located. If it is thought best and wisest to locate it temporarily until the new State shall in its own way prescribe a different location, it is perhaps well to do so, but that is as far as the Congress ought to go. I am not as familiar with these enabling acts as I ought to be, but I venture to say that it has not been usual heretofore to fix, for a term of years, the capital of a State to be admitted. And I can see no good reason for departing from the usual, and as I think, the better practice. I believe we have done all that the citizens of Guthrie, or the other people living elsewhere in Oklahoma who might prefer that city for their capital site, could ask or expect of us when we locate it there until and only until the people of that State, when admitted as such, see fit to change it.

It appears to me indefensible that sitting here, removed from those people, not responsible to them nor amenable to their power, we should usurp the function which belongs to them.

If the Senate of the United States should locate the capital of that new State at the most inaccessible point they would be powerless to punish a Senator here. We are not responsible to them. They can not reach us if we mistake their interest or defy their will. Therefore we ought to do no more for them than the necessity of this case requires.

I sincerely hope that we may leave this to people in that new and splendid State, and it is to be one of the greatest in the sisterhood in time. I myself do not want to see the two Territories united, but I recognize that that will perhaps be the decision of the Senate; and when they are joined there is not one among the older Commonwealths richer by nature than this new State. My own opinion is that the Indian Territory and the section which is excluded from the advantage of the capital under the provisions of the bill is the richest spot of earth under the American flag to-day for the size of it. It is one of the few places on this continent that possesses almost every kind of wealth—coal in great abundance and of excellent quality, iron, I believe the greatest granite bed on earth, oil, asphalt, and all kinds of mineral wealth produced in any other section. And over these richest treasures in the earth there is the most fertile of all soils, producing more abundantly those great products which contribute to the comfort, the health, and the pleasure of the human race than almost any other spot of equal size.

I know that the people who inhabit it are worthy of such a land. They gathered there from every quarter of this Republic, but most of them have gone from the State which I have the honor in part to represent. I know what they did for us; I know what they and their children will do for this new Commonwealth; and I protest that they shall have the right to be heard in the immediate selection of the place where they shall have located the most important office of the State.

#### EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until Monday, February 6, 1905, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate February 4, 1905.*

##### POSTMASTERS.

###### CALIFORNIA.

Frank B. Elwood to be postmaster at Alhambra, in the county of Los Angeles and State of California. Office became Presidential January 1, 1905.

John P. Swift to be postmaster at Marysville, in the county of Yuba and State of California, in place of Emma Hapgood. Incumbent's commission expired March 31, 1904.

###### GEORGIA.

J. B. Dunagan to be postmaster at Jefferson, in the county of Jackson and State of Georgia. Office became Presidential January 1, 1905.

###### ILLINOIS.

Nehemiah J. Knipple to be postmaster at Buda, in the county of Bureau and State of Illinois, in place of Nehemiah J. Knipple. Incumbent's commission expired December 20, 1904.

###### INDIANA.

Burr M. Harris to be postmaster at Gas City, in the county of Grant and State of Indiana, in place of George S. Harris, resigned.

###### IOWA.

Eugene M. Crosswait to be postmaster at Earlham, in the county of Madison and State of Iowa, in place of Eugene M. Crosswait. Incumbent's commission expires February 4, 1905.

Matthew Richmond to be postmaster at Armstrong, in the county of Emmet and State of Iowa, in place of Matthew Richmond. Incumbent's commission expired January 3, 1904.

###### LOUISIANA.

Nannie O. Hamilton to be postmaster at Pollock, in the parish of Grant and State of Louisiana, in place of Nannie O. Hamilton. Incumbent's commission expired January 29, 1905.

Charles W. Lyman to be postmaster at Rayne, in the parish of Acadia and State of Louisiana, in place of Romanta T. Hart, removed.

###### MARYLAND.

John C. Bartindale to be postmaster at Otterbein, in the county of Benton and State of Maryland. Office became Presidential July 1, 1904.

###### NEW YORK.

George A. Cotton to be postmaster at Depew, in the county of Erie and State of New York, in place of George A. Cotton. Incumbent's commission expires February 22, 1905.

Judson S. Wright to be postmaster at Tully, in the county of Onondaga and State of New York. Office became Presidential January 1, 1905.

###### NORTH CAROLINA.

James B. Winders to be postmaster at Warsaw, in the county of Duplin and State of North Carolina. Office became Presidential January 1, 1905.

###### OKLAHOMA.

Joseph A. Randolph to be postmaster at Waukomis, in the county of Garfield and Territory of Oklahoma, in place of Joseph A. Randolph. Incumbent's commission expired December 20, 1904.

###### SOUTH DAKOTA.

Sherman F. Lucas to be postmaster at Bonesteel, in the county of Gregory and State of South Dakota. Office became Presidential January 1, 1905.

###### TEXAS.

Joseph Folm to be postmaster at Hondo, in the county of Medina and State of Texas. Office became Presidential January 1, 1905.

J. M. Musser to be postmaster at Seymour, in the county of Baylor and State of Texas, in place of Elmer L. Stevens. Incumbent's commission expired December 20, 1904.

William L. Rogers to be postmaster at Conroe, in the county of Montgomery and State of Texas, in place of William L. Rogers. Incumbent's commission expired December 20, 1904.

Henry L. Sands to be postmaster at Alvord, in the county of Wise and State of Texas. Office became Presidential January 1, 1905.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 4, 1905.*

##### CONSUL.

George E. Anderson, of Illinois, now consul at Hangchow, to be consul of the United States at Amoy, China.

##### SUPERINTENDENT OF MINT.

Frank M. Downer, of Colorado, to be superintendent of the mint of the United States at Denver, Colo.

##### ASSAYER.

Arthur R. Hodgson, of Colorado, to be assayer of the mint of the United States at Denver, Colo.

##### MELTER.

Joseph W. Milson, of Colorado, to be melter and refiner of the mint of the United States at Denver, Colo.

## POSTMASTERS.

## ALABAMA.

George R. Lewis to be postmaster at Bessemer, in the county of Jefferson and State of Alabama.

## HAWAII.

George Desha to be postmaster at Hilo, Hawaii Island, Hawaii.

## OHIO.

Benjamin F. Jackson to be postmaster at Clyde, in the county of Sandusky and State of Ohio.

## TEXAS.

John C. McBride to be postmaster at Woodville, in the county of Tyler and State of Texas.

Lafayette Sharp to be postmaster at San Augustine, in the county of San Augustine and State of Texas.

## UTAH.

Simon P. Dillman to be postmaster at Vernal, in the county of Uinta and State of Utah.

## PROTECTION OF TRADE-MARKS.

The injunction of secrecy was removed February 4, 1905, from a declaration for the effective protection of trade-marks, signed at The Hague on December 27, 1904, by the representatives of the United States and the Duchy of Luxemburg.

## HOUSE OF REPRESENTATIVES.

SATURDAY, February 4, 1905.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COTDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

JACOB F. FRENCH.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following concurrent resolution, which I will send to the desk and ask to have read.

The Clerk read as follows:

*Resolved by the House of Representatives (the Senate concurring). That the President be requested to return the bill (H. R. 3286) entitled "An act granting an increase of pension to Jacob F. French."*

The SPEAKER. Is there objection to the present consideration of the concurrent resolution which the Clerk has just read?

Mr. MADDOX. Mr. Speaker, reserving the right to object, I would inquire the reason for it?

Mr. SULLOWAY. Mr. Speaker, the bill has passed the House and the Senate, and the beneficiary is dead. The purpose of the resolution is to recall the bill from the President.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

## REPRINT OF REPORT ON NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I ask unanimous consent for a reprint of the report on the naval appropriation bill with corrections.

The SPEAKER. Is there objection?

There was no objection, and it was so ordered.

## CHANGE OF REFERENCE.

By unanimous consent, the Committee on Invalid Pensions was discharged from the further consideration of the following bills, and the same were referred to the Committee on Pensions:

S. 3934. A bill granting an increase of pension to Susan E. Bellows;

S. 3349. A bill granting an increase of pension to Morgan Dwyer; and

S. 3194. A bill granting an increase of pension to Stephen Gilbert.

PHILIP LAWOTTE.

The SPEAKER laid before the House the bill (S. 5734) granting a pension to Philip Lawotte, with a House amendment.

The House amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House do further insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

FLORENCE O. WHITMAN.

The SPEAKER laid before the House the bill (S. 5947) granting an increase of pension to Florence O. Whitman, with a House amendment.

The amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House do further insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

ANNE E. WILSON.

The SPEAKER laid before the House the bill (S. 6152) granting an increase of pension to Anne E. Wilson, with a House amendment.

The amendment was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House do further insist on its amendment and agree to the conference requested by the Senate.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama.

## DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HITT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 18468) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1906.

Mr. WILLIAMS of Mississippi. Mr. Speaker, before that motion is put I desire to reserve all points of order.

The SPEAKER. Points of order were reserved on the bill when it was reported. The question is on the motion of the gentleman from Illinois.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 18468, the diplomatic and consular appropriation bill, with Mr. FOSTER of Vermont in the chair.

Mr. MADDOX. Mr. Chairman, I would ask the chairman of the committee how long it will take to pass this bill? When do you propose to vote on this bill?

Mr. HITT. As soon as we get to the end of the bill.

Mr. MADDOX. How long will that take?

Mr. HITT. I suppose it might take half an hour; whether it will take longer or not I do not know. Mr. Chairman, I move to dispense with the first formal reading of the bill, and after general debate that it be taken up by paragraphs.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. HITT. Mr. Chairman, the gentleman from Georgia [Mr. HOWARD] and myself can easily agree upon the time necessary for general debate. How much time do you think you will require—thirty minutes?

Mr. HOWARD. Thirty minutes is satisfactory on this side.

Mr. HITT. Thirty minutes is requested by the gentleman from Georgia, and I will reserve that much time.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that general debate be limited to one hour, one-half to be controlled by the gentleman from Illinois and one-half to be controlled by the gentleman from Georgia [Mr. HOWARD]. Is there objection? [After a pause.] The Chair hears none.

Mr. HITT. Will the gentleman from Georgia yield his time to his friends?

Mr. HOWARD. I yield twenty minutes to the gentleman from Florida [Mr. LAMAR].

Mr. LAMAR of Florida. Mr. Chairman, at this time I shall seek to show that Congress has the right to legislate upon the subject of railway rates and abuses, and to delegate the power if it sees fit to do so, and the present urgent necessity of remedial legislation. When the discussion comes upon the particular bills reported from the Committee on Interstate Commerce, I shall discuss, if I have the time, the merits and demerits of those bills.

It may be well just here to define the meaning of two words, as I understand them, that are now in the mouths of some people and in the columns of some newspapers. Those words are "conservative" and "radical." So far as this railway-rate discussion goes, I will divide the "conservatives" into four